



W.P.(MD).No.16366 of 2014 etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD).Nos.16366, 16367, 16368, 16444, 16970, 16971, 16972 of
2014, 6127 of 2015 and 16755 of 2016**

and

**M.P.(MD)Nos.1, 2, 3, 1, 2, 3, 1, 2, 3, 1, 2, 1, 2, 1, 2, 1, 2 of 2014 and 1
of 2015**

and

W.M.P.(MD)No.12173 of 2016

W.P.(MD)No.16366 of 2016:

St.Joseph Boys Hostel,
Represented by its Correspondent,
Rev.Father V.John Joseph Sundaram

...Petitioner

Vs

1.The Local Planning Authority,
Represented by its Member Secretary,
Thanjavur,
Thanjavur District.

2.The Deputy Director of Town and Country Planning,
Thanjavur Region,
Thanjavur District.

3.The President,
Nanjikottai Panchayat,
Thanjavur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned notice issued by the first respondent dated 21.07.2014 by proceedings reference No.Na.Ka.No.940/2014 and the subsequent notice dated 07.08.2014 vide reference Na.Ka.No.940/2014 and quash the same and consequently forbearing the respondents in any way from sealing or locking the building or premises of the petitioner's institution situated in R.S.No.42 and 43 (Part) in Nanjikkottai Village, Thanjavur Taluk and District.

(In W.P.(MD)No.16366 of 2016):

For Petitioner : Mr.J.Maria Roseline

For Respondents : Mr.J.K.Jeyaselan
Government Advocate

COMMON O R D E R

Since the issue raised in these writ petitions is one and the same, they are being disposed of by the following common order.

2. Heard learned counsels on either side.



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3. These Writ Petitions have been filed challenging the impugned notices issued by the first respondent purportedly invoking the provisions of Sections 56 and 57 of Tamil Nadu Town and Country Planning Act, 1971, to produce the planning permission granted by the authorities under the said Act in view of the Sections 49/47 of the Act. The petitioners challenged the notices, contending that they had obtained planning permission from the competent authority, namely the concerned Panchayat Union, well in advance, and they have also produced the permission granted by the Panchayat Union on record.

4. A similar issue was dealt with by a learned Single Judge of this Court in the case of *Apesh Construction Limited Vs The Corporation of Madurai, through its Commissioner [W.P.(MD)No.11295 of 2012 etc batch dated 02.11.2012]* reported in *2013 (2) CTC 180* and the learned Single Judge has held that when a competent authority has granted valid planning permission that has not been cancelled in accordance with law, the authority lacks jurisdiction to issue impugned notices and thus set aside the same. The said decision was affirmed by the Division Bench of this Court in the case of *District Collector / Chairman, Local Planning*



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Authority, Madurai District, Madurai and Others / W.A.(MD)Nos.596

and others of 2013 dated 17.07.2013) reported in 2013 (5) MLJ 769.

5. In the present cases, the respondents do not contend that the institution lacks planning permission, but rather that it was not granted by the appropriate competent authority. Therefore, this Court is of the view that the insistence on planning permission already granted under Sections 47/49 of the Town and Country Planning Act is unwarranted in the present circumstances.

6. In view of the aforesaid reasons and in view of the judgment stated supra, the impugned notices issued by the respondent concerned are devoid of merits. In fine, the Writ Petitions are allowed and the impugned notices are set aside. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.11.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

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To:

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The Local Planning Authority,
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Thanjavur District.
2. The Deputy Director of Town and Country Planning,
Thanjavur Region,
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3. The President,
Nanjikottai Panchayat,
Thanjavur District.



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K.KUMARESH BABU, J.

Nsr

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16444, 16970, 16971, 16972 of 2014,
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