



W.P.(MD)No.14282 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14282 of 2015

and

M.P.(MD)No.1 of 2015

IndBharath Power Gencom Ltd.,
(Coal Based Thermal Power Plant),
Keelavelayudhapuram Village,
Pudur Pandiyapuram Panchayat,
Mela Arasaradi Post,
Ottapidaram Taluk,
Tuticorin – 628 002.
Rep. by President,
Thiru.M.N.V.Sudhakar

: Petitioner

Vs.

The Member Secretary,
Local Planning Authority,
No.51, West Car Street,
Tuticorin.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in N.K.No.958/2012



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Tuticorin Local Planning Committee dated 04.08.2015, quash the same and consequently forbear the respondent herein, his subordinate and officials from in any way locking and sealing the petitioner's plant.

For Petitioner : Mr.S.Srinivasa Raghavan
For Respondent : Mr.T.Amjad Khan

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

The order passed under Sections 56(2A) and 57(4) of 'the Tamil Nadu Town and Country Planning Act, 1971' [hereinafter referred to as 'the Act'] is under challenge in the present Writ Petition.

2.The order passed under Sections 56(2A) and 57(4) of the Act is an appealable order under Section 80(A) of the Act. Without exhausting the appeal remedy, the petitioner has filed this Writ Petition. Therefore, this Writ Petition is not entertainable under Article 226 of Constitution of India and the same is liable to be dismissed. However, liberty is granted to the petitioner to prefer an appeal before the competent authority. It is made clear that the petitioner shall file an appeal within a period of four [4] weeks from the date of receipt of a copy of this order.



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3.With the aforesaid liberty, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]

26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To
The Member Secretary,
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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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26.03.2024