



W.P(MD)No.7076 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.7076 of 2014
and
M.P(MD)Nos.1 & 2 of 2014**

Popular Educational Trust,
Represented by its Managing Trustee,
Syed Meeran Arif

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by the Secretary,
Department of Housing and Urban Development,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai – 60 002.
- 3.The Deputy Director of Town and Country Planning,
Tirunelveli Region,
No.108, Thiruvananthapuram Road,
Tirunelveli – 2.
- 4.The President,
Achampadu Village Panchayath,
Radhapuram Taluk,
Tirunelveli District.

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the impugned notice in letter No.2510/2012/TVL R3 dated 03.09.2012 issued by the third respondent and quash the same.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the impugned notice, dated 03.09.2012 issued by the third respondent under Section 56 of the Town and Country Planning Act, 1971, the petitioner has filed the present Writ Petition.

2.Learned Government Advocate appearing for the respondents submitted that as against the impugned order passed by the third respondent, the petitioner is having efficacious alternative remedy of appeal under Section 80-A of the Town and Country Planning Act, 1971 before the appellate authority. When such efficacious alternative remedy of appeal is available, the petitioner has to exhaust the appeal remedy and therefore, the Writ Petition is liable to be dismissed.



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3.In the light of the above, this Writ Petition is dismissed with liberty to the petitioner to file an appeal before the appellate authority under Section 80-A of the Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
27.03.2024

NCC : Yes / No
Index : Yes / No
ps
To

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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