



WEB COPY



W.P.(MD)No.23129 of 2016

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.23129 of 2016

and

M.P.(MD)No.16612 of 2016

St.Joseph College of Education,
Rep. by its Secretary Damy Suraj,
S/o.Louis,
Puthukulam Post,
Sathankulam Taluk,
Thoothukudi District.

: Petitioner

Vs.

1.The Deputy Director,
Tirunelveli Zonal,
Town and Country Planning (I/c),
108, Trivandrum Road,
Tirunelveli – 2.

2.The Executive Officer,
Pandarapuram Town Panchayat,
Thoothukudi.

: Respondents



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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 notice passed by the first respondent in his proceedings in letter No.2510/2012/TVLR3 dated 03.09.2012 and notice in Na.Ka.No.2947/2012/தலைமீத dated 04.07.2013 and in Na.Ka.No.232/2015/தலைமீத(8) dated 25.02.2015 and in Na.Ka.No.232/2015(23)/தலைமீத dated 08.11.2016 and quash the same and consequently direct the respondents not to insist for any planning approval under the Town and Country Planning Act.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.S.P.Maharajan

Special Government Pleader

O R D E R

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

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

2.The orders passed under Sections 56(2A) and 57(4) of the Act are appealable orders under Section 80(A) of the Act. Without exhausting the appeal remedy, the petitioner has filed this



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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 two [2] weeks from the date of receipt of a copy of this order.

3. With the aforesaid liberty, this writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is 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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ORDER MADE IN

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26.03.2024