



WEB COPY



W.P.(MD)No.4913 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.4913 of 2016

and

M.P.(MD)No.4414 of 2016

The Secretary,
K.V.A. Girls Higher Secondary School,
Main Road,
Chinnamanur,
Theni District.

: Petitioner

Vs.

1.The Deputy Director of
Town and Country Planning,
No.4, Hakeem Ajmal Khan Road,
Chinna Chokkikulam,
Madurai – 625 002.

2.The Commissioner,
Chinnamanur Municipality,
Chinnamanur,
Theni District.

: 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 pertaining to the impugned letter Na.Ka.No. 1372/2015/MaMa4, dated 23.12.2015 and consequential impugned notice, Na.Ka.No.1372/2013/MaMa.3, dated 05.01.2016, issued by the first respondent and quash the same as illegal and void and thereby forbearing the respondents from taking any panel action as stated in the notice.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.T.Amjad Khan
Government Advocate

O R D E R

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

The order passed under Sections 56 and 57 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 and 57 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



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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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and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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26.03.2024