



WEB COPY

W.P.(MD)No.20519 of 2017



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.20519 of 2017

and

W.M.P.(MD)Nos.16804, 16805 & 17228 of 2017

The Bishop,
Church of South India,
C.S.I. Church Building,
Marthandam,
Kanyakumari District.

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for



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the records relating to the impugned proceedings passed by the second respondent under Section 56 and 57 for locking and sealing the premises and under Section 216(1)(2) & 216(3) of District Municipality Act and directing the petitioner to vacate the premises within 15 days from the date of receipt of the proceedings in Ka.V.No.230/2011/Na.A.Aa. Dated 23.10.2017.

For Petitioner : Mr.F.Deepak

For Respondent No.1 : Mr.T.Amjad Khan

Government Advocate

For Respondent No.2 : Mr.K.Vamanan

ORDER

[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 dismissed. However, liberty is granted to the petitioner to prefer



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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, in default the respondents shall proceed in accordance with law.

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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D.KRISHNAKUMAR, J.

and

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ORDER MADE IN

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