



W.P.(MD)No.2796 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.2796 of 2025

and

W.M.P.(MD)No.1954 of 2025

1.Dr.D.Tamilarasan

2.Dr.D.Anbarasan

: Petitioner

Vs.

1.The Principal Secretary,

Town and Country Planning Department,

Tamil Nadu Government,

O/o. Director of Town and Country Planning,

Secretariat, Chennai – 600 009.

2.The Commissioner,

Tenkasi Municipality,

Tenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of

India, praying for a Writ of Certiorari, to call for the impugned notice



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issued under Reference notice No.1/2024 dated 30.12.2024 issued by the second respondent under sub section 2-A of Section 56 of Town and Country Planning Act, 1971 to the petitioner in respect of the built up Hospital building situated at 294A, Keela Mutharamman Kovil Street in Survey Ward – D, Block – 14, T.S.Nos.25/1, 2, 3 and 28/1, 2, 3 Tenkasi Municipality, Tenkasi Taluk, Tenkasi District and set aside the same as illegal, arbitrary, erroneous forthwith.

For Petitioner : Mr.R.Mathava Selvam
For Respondent No.1 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For Respondent No.2 : Mr.P.Athimoolapandian,
Standing Counsel

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.Challenging the impugned notice of the 2nd respondent dated 30.12.2024, the petitioner is before this Court.



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3.On 30.12.2024, the petitioner received a communication from the second respondent under Section 56(1) of “the Tamil Nadu Town and Country Planning Act, 1971” [hereinafter “the Act”], for removal of the unauthorized construction in the subject property.

4.As against an order of eviction passed under Section 56(1) of the Act, an appeal remedy is provided for under Section 80-A of the Act to the Government.

5. When the Act provides for an effective appeal remedy before the Government against order under Section 56(1) of the Act, it would not be appropriate to entertain the present writ petition, which challenges the Section 56(1) notice. Hence, we are of the view that an opportunity can be given to the petitioner to avail the statutory remedy and protect his possession till such time.

6.In the light of the above observation, the petitioner is granted liberty to file an appeal before the first respondent under Section 80-A of the Act, within a period of one [1] week from the date of receipt of a copy of this order. Till such time, the respondents shall not take any



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coercive action to disturb the petitioner's possession over the subject land.

7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

30.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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