

(2017) 03 MAD CK 0185

In the Madras High Court

Case No : 22483 of 2016 and W M P(MD)No 16116 of 2016

Star Model Matriculation School, represented by its
Correspondent, M.Jeyadoss, S/o Marcion, Tiruchendur

APPELLANT

Vs

The Commissioner of Town and Country Planning, Town and
Country Planning Department, & Ors.

RESPONDENT

Date of Decision : 08-03-2017

Acts Referred:

Constitution of India, Article 226 -
Power of High Courts to Issue certain writs

Citation : (2017) 03 MAD CK 0185

Hon'ble Judges : A.Selvam, N.Authinathan

Bench : DIVISION BENCH

Advocate : A.Selvam, N.Authinathan

Final Decision : Allowed

Judgement

1. This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 16.11.2016 passed in Na.Ka.No.232/2015 "VERNACULAR MATTER OMITTED" by the second respondent and quash the same, by way of issuing a writ of certiorari.

2. The learned counsel appearing for the petitioner has contended to the effect that the building of the petitioner has been constructed in the year 2008 whereas the Tamil Nadu Town and Country Planning Act, 1971 is applicable to non-planning area only in the year 2010 and under the said circumstances the second respondent is totally incompetent to pass such kind of order and therefore the present writ petition has been filed for getting the relief sought therein.

3. The learned Special Government Pleader appearing for the respondents has also equally contended that in the impugned order Section of Law has been wrongly quoted and the second respondent is ready to withdraw the same.

4. Considering the divergent contentions putforth on either side and also

considering the undertaking given on the side of the second respondent, this Court is inclined to pass the following order.

5. In fine, this writ petition is allowed without costs and the order dated 16.11.2016 passed in Na.Ka.No.232/2015 "VERNACULAR MATTER OMITTED" by the second respondent is quashed. However the respondents are at liberty to take appropriate action against the petitioner under due process of law. Consequently, connected Miscellaneous Petition is closed.