

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12091 of 2015
and
M.P.No.1 of 2015

S.K.Janakiraman

...Petitioner

.Vs.

1. The Deputy of Town and Country Planning,
Sannathi Street,
6, Subramanya Nagar,
Sooramangalam,
Salem-636 005.
2. The Commissioner,
Salem Municipal Corporation,
Salem-2.
3. E.B.Engineers Housing Colony
I Welfare Association,
Represented by it's President,
Alagapuram,
Salem-16.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider the Petitioner's representation dated 10.02.2015 under RTI Act and take action on the same.

For Petitioner : Mr.K.R.Tamizhmani

For Respondents : Mr.S.Pattabiraman (R1 and R2)
Government Advocate

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner would state that his residence is situated adjacent to the third respondent colony and the said lay out was sanctioned by the first respondent vide proceedings No.5723/82 wherein 40 plots with specified areas and extent were permitted. He would further state that the members of the third respondent association altered the sanction plan unilaterally in order to increase the extent of individual plots and they have also encroached the open and public places. They have also put up a fence, compound wall and a gate contrary to the sanctioned plan. It is further stated by the petitioner that the members of the third respondent association do not allow the residents of the adjacent areas like the petitioner to use the Municipal roads that are located in E.B.Colony I, which are public roads.

3.The second respondent taking into consideration of the same, passed an order on 06.06.2014. Challenging the legality of the same, the third respondent has filed Writ Petition in W.P.No. 30107/2014 and the same is pending before this Court. The petitioner also sought information under Right to Information Act. The first respondent vide reply dated 21.08.2013 had admitted that the alteration of the sanctioned plan is permissible only with their approval and the Sub-registrar has a duty to verify the sanctioned plan at the time of registration of the sale deed, which is not done so far. The petitioner, in this regard has submitted a representation dated 10.02.2015 to the respondents 1 and 2. Though it was received on 11.02.2015, he has not been favoured with any response. Hence, the petitioner has come forward to file this writ petition.

3.Heard the submissions of Mr.K.R.Tamzhmani, the learned counsel for the petitioner, who has invited the attention of the Court to the affidavit filed in support of this petition and the typed set of papers filed before this Court and the reply of the first respondent dated 21.08.2013 and would contend that though the representation was submitted as early as on 10.02.2015 to the respondents 1 and 2 and it was acknowledged on 11.02.2015, no action has been taken so far.

4. Heard Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents 1 and 2.

5.This Court without going into the merits of the representation, directs the first respondent to consider and dispose of the representation of the petitioner dated 10.02.2015, in

accordance with
law after putting on notice, the third respondent, and pass orders as
expeditiously as possible and not later than four weeks from the date
of receipt of copy of this order and inform the decision taken to the
petitioner and the third respondent.

The writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Deputy of Town and Country Planning,
Sannathi Street,
6, Subramanya Nagar,
Sooramangalam,
Salem-636 005.
2. The Commissioner,
Salem Municipal Corporation,
Salem-2.
3. E.B.Engineers Housing Colony
I Welfare Association,
Represented by it's President,
Alagapuram,
Salem-16.

1 CC to Mr.K.R.Tamizhmani, Advocate SR.No. 22202

1 CC to the Government Pleader, SR.No. 22307

W.P.No.12091 of 2015
and M.P.No.1 of 2015

PPA (CO)
PSI (13.05.2015)