

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P.No.32641 of 2014 and M.P. Nos.1 & 2 & 3 of 2014

Mrs. Vijaya Vedhaya

W/o.Vedhaya 49 Annasalai Nemili
Arakkonam Taluk Vellore District-631 051.

Petitioner

Vs

- 1 The Government of Tamil Nadu
Represented by its Secretary Department of
Municipal Administration & Water Supply
Fort St. George Chennai.
- 2 Deputy Director of Town and
Country Planning and Member Secretary Local
Town Planning Council Vellore Zone
Sathuvachari Vellore District.
- 3 The Nemili Selection Grade
Town Panchayat Rep. by its Executive
Officer Nemili Town Panchayat Nemili
Arakkonam Taluk Vellore District.

Respondents

Writ Petition under Article 226 of the Constitution of India
praying for a writ of Certiorari calling for the records pertaining
to the order of notice issued by the 3rd Respondent in
Na.Ka.No.170/2014 dated 23.10.2014 and quash the same

For petitioner Mrs. S.Meenakshi for M/s. P.G.Thiyagu

For respondent Mr. N. Sakthivel, GA

ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI, J.)

A public interest litigation petition, being W.P.No.15268 of
2011, was filed by one Babu, alleging unauthorized construction

beyond the sanctioned limits by the petitioner-school herein. A Division Bench of this Court, having considered all the aspects of the matter, passed the following order:

"2. We, thus, issue the following directions:

i The respondent authorities should cause an inspection to the school to be carried out to verify the legality of the construction.

ii To the extent the construction is beyond sanction, it either be recognised (if permissible and subject to such condition is required) or removed.

iii In case of the failure of the school to comply, necessary action will be taken by the authorities.

3. All decisions to be taken after notice to the school.

4. The needful be done within a maximum period of three months from today.

5. The writ petition stands disposed of, in view of the aforesaid directions. .xxx "

2 Pursuant thereto, the Executive Officer of the third respondent-Panchayat Union, issued a notice on 23-10-2014, calling upon the petitioner-school to submit the concerned documents within three days of the receipt of the said notice and also other records which are available with the school, showing that the construction was neither unauthorised nor beyond sanctioned limits. Instead of filing response to the said notice and also producing the relevant documents, the petitioner has come up with this writ petition. At this stage, no cause of action has arisen seeking redressal of the grievances between the parties.

3. A Division Bench ordered notice on 12-12-2014 and also granted status quo as obtained on that date. After the notice, the petitioner had sufficient time to arrange the concerned documents and papers to produce before the authorities. However, the petitioner has not taken any steps to do the needful.

4. Having regard to the fact situation as aforesaid and also keeping in view, the fact of pendency of this petition, we deem it fit and proper to grant further two weeks time, as requested, to respond to the notice dated 23.10.2014, which was issued pursuant to the order dated 28.02.2014 passed in W.P. No.15268 of 2011. Needless to state that the authorities shall consider the same and pass orders, as directed by this Court earlier, in letter and spirit.

5 The writ petition is disposed of, accordingly. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp
To

- 1 The Secretary Department of
Municipal Administration & Water Supply
Fort St. George Chennai.
- 2 Deputy Director of Town and
Country Planning and Member Secretary Local
Town Planning Council Vellore Zone
Sathuvachari Vellore District.
- 3 The Nemili Selection Grade
Town Panchayat Rep. by its Executive
Officer Nemili Town Panchayat Nemili
Arakkonam Taluk Vellore District.

- 1 cc to Mrs. S.Meenakshi, Advocate, SR.No.45
1 cc to Government Pleader, Sr.No.237

W.P.No.32641 of 2014

skv(co)
pmk.22.1.2015

सत्यमेव जयते

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