

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2015

CORAM:

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

W.P. No. 15812 of 2015
and
M.P. No.1 of 2015

R. Rishab Kumar Mootha

... Petitioner

vs.

1. The Commissioner
Pallavaram Municipality @ Chromepet
Chennai 600 044
2. The Director of Town and Country Planning
807 Anna Salai
Chennai 600 002
3. Mr. Manoharan
Municipal Councillor
C/o Pallavaram Municipality
Chennai 600 044
4. Mrs. Ayyammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent dated 09.04.2015 in LR.No.Ka.Ma.No.754/12/F1, quash the same and consequently, forbearing the first respondent from interfering with the petitioner's property situated at Keelkattalai Village, Kumaran Nagar, Plot Nos.5 and 6, comprised in Survey No.260/5, particularly by enforcing the notice dated 09.04.2015 vide Ka.Ma.No.754/12/F1 till the disposal of the petitioner's appeal dated 30.04.2015 with the second respondent.

For petitioner : Mr. P. Srinivas

For R2 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the second respondent, this writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed assailing the notice issued by the first respondent-Municipality under Section 205(3) of the Tamil Nadu District Municipalities Act, 1920, whereby and whereunder, the petitioner has been asked either to remove the construction in question made in deviation of the approved building plan or to make necessary changes to the building, thereby making the building to be in consonance with the approved building plan.

3. Concededly, the petitioner has preferred an appeal dated 30.04.2015 before the second respondent, assailing the notice impugned herein and pending the said appeal, the petitioner seeks a direction forbearing the first respondent from interfering with his peaceful possession and enjoyment of his property.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that it would suffice if a direction is given to the second respondent to consider and pass orders on the petitioner's aforesaid appeal dated 30.04.2015, within a timeframe.

5. In view of the limited relief now sought by the learned counsel for the petitioner to the extent of directing the second respondent to consider and pass orders on the petitioner's appeal, it is not necessary to issue notice to the private respondents.

6. Accordingly, without going into the merits of the case, we direct the second respondent to consider and pass orders on the petitioner's appeal dated 30.04.2015 on merits and in accordance with law, within the statutory period prescribed under the provisions of law.

7. The writ petition stands disposed of with the above direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ra/cad

To

1. The Commissioner
Pallavaram Municipality @ Chromepet
Chennai 600 044
2. The Director of Town and Country Planning
807 Anna Salai
Chennai 600 002
3. Mr. Manoharan
Municipal Councillor
C/o Pallavaram Municipality
Chennai 600 044

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.27669
+1cc to the Government Pleader, S.R.No.27068

W.P. No.15812 of 2015

MG(CO)
CA(16/06/2015)

सत्यमेव जयते

WEB COPY