

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

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

W.P. No. 18578 of 2015
and
M.P.No.1 of 2015

M/s.Mani Malar Food Products
Pvt. Ltd. rep. by Thiru.T.A.Sathish Kumar
Director, M/s. Mani Malar Food Products Pvt. Ltd.,
Asanallipalayam, Vettuvapalayam Post,
Avinashi Taluk ,
Tiruppur District.

...Petitioner

vs.

- 1 The President/Executive officer,
Vettuvapalayam Panchayat,
Avinashi Taluk Tiruppur District
- 2 The Deputy Director of Town
and Country Planning ,
(Local Planning Authority),
Coimbatore District, Coimbatore
- 3 The Commissioner-cum-
Block Development Officer,
Avinashi Panchayat Union,
Avinashi, Tiruppur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the 1st respondent dated 16.6.2015 and quash the same and consequently direct the 1st respondent to forward the Building Plan already submitted by the petitioner to the Local Planning Authority who is the Competent Authority to decide.

For petitioner : Mr.Vijayanarayanan
Sr. Counsel
for
Mr. T. Ranganathan

For respondents : Mr. P.H. Arvind Pandian,
Addl. Advocate General
assisted by
Mr. N. Inbanathan,
GA, - R1 & R3

Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R2

ORDER

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

With the consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition is filed seeking to quash the impugned notice dated 16.06.2015 and consequently a direction to the first respondent to forward the building plan already submitted by the petitioner to the local planning authority/competent authority.

3. Learned counsel appearing for the petitioner submits that an application seeking to grant approval for construction of ground floor was sent to the first respondent and the first respondent declined to receive the same. The copy of the said application marked to the Deputy Director, Town and Country Planning (I/c), Coimbatore, was returned back to the petitioner on the ground that the said application should be submitted to the local planning authority only through local panchayat. Thus, the petitioner is uncertain as to how to make the application to the concerned authority.

4. Mr. P.H. Arvind Pandian, learned Additional Advocate General, appearing for the respondents 1 and 3 submits that if an application is made before the first respondent, the same will be forwarded to the concerned authority within a period of three days for consideration and decision.

5. In such view of the matter, the petitioner is permitted to make an application for approval to the first respondent within a period of three days from the date of receipt of a copy of this order and on receipt of such application, the first respondent shall forward the same to the concerned authority, within a period of three days thereafter, for consideration and decision, on merits and in accordance with law.

6. With the above direction and observation, the writ petition stands disposed of. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ra

To

- 1 The President/Executive officer,
Vettuvapalayam Panchayat,
Avinashi Taluk Tiruppur District
- 2 The Deputy Director of Town
and Country Planning ,
(Local Planning Authority),
Coimbatore District, Coimbatore
- 3 The Commissioner-cum-
Block Development Officer,
Avinashi Panchayat Union,
Avinashi, Tiruppur District.

1 CC to Mr. T. Ranganathan, Advocate SR.No. 32426

1 CC to the Government Pleader, SR.No. 32997

W.P. No.18578 of 2015
and M.P.No.1 of 2015

AK (CO)
PSI (10.07.2015)

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