

WP No.9207 of 2009

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice T. S. SIVAGNANAM

DR.G.R.RAGUNATHAN
OLD NO.12-A, NEW NO.29, PERUMAL KOIL
STREET, GOBICHETTYPALAYAM, ERODE
DISTRICT.

Vs

THE DIRECTOR OF TOWN & COUNTRY
PLANNING, NO.807, ANNA SALAI, CHENNAI-2.
and 11 others.

Learned counsel for the 6th and 7th respondents states that show cause notice to the respondents 8 to 12 were issued only on 20.05.2015 giving them seven days time to reply.

2.We may however note that we are unable to understand why issuance of notice is delayed and why such short period of time is granted to meet the formalities. A requisite time ought to have been granted to file reply to the show cause notice and thus any reply received up to 15 days should be considered.

3.We have also perused the affidavit filed by the Commissioner of the Municipality which seeks to aver as if all is right at the site merely because the Commissioner had issued instruction that no garbage should be thrown in the drainage, no parking of vehicles to take place in front of residences and to provide all arrangements for parking to avoid traffic congestion. Unfortunately, land cannot be manufactured. There has to be space where cars are to be parked. It is thus conveniently not stated as to where the so called arrangements of parking would be made by the respondents 8 to 12. We really think the affidavit is not worth the piece of paper on which it is affirmed, if not amounting to perjury. We thus direct the Commissioner to remain present in Court with all records including the map of the area as to where the respondent Nos. 8 to 12 are located, where the parking takes place and broadly how many persons visit the functions in those premises.

4. List for compliance on 26.06.2015.

[CJ] [T S S J]

05/06/2015

KSR