

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30..01..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P. No.2133 of 2015

M.Vetri Selvan

..Petitioner

Versus

1. State of Tamil Nadu
represented by the
Secretary to Government
Department of Environment and Forests
Secretariat, Chennai 600 009.

2.State of Tamil Nadu
represented by the
Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.

3.The District Collector
Coimbatore District.

4.Hill Area Conservation Authority
Coimbatore South Circle,
Coimbatore.

5.The Conservator of Forests
Coimbatore Circle
Trichy road,
Coimbatore 641 018.

6.The District Forest Officer
Coimbatore Division
Trichy road,
Coimbatore 641 018.

7.The Commissioner and
Director of Town and Country Planning
Chepauk, Chennai 600 005.

8.The Deputy Director of Town and Country Planning
Coimbatore Region,
Coimbatore.

9.The Secretary,
Isha Foundation
15, Govindasamy Naidu Layout,
Singanallur, Coimbatore 641 005.

..Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing respondent No.9/Isha Foundation from celebrating a seven-day cultural extravaganza between 10.02.2015 and 16.02.2015, and Mahashivarathri on 17.02.2015 in the illegal buildings/structures constructed by respondent No.9 Isha Foundation against whom a locking, sealing and demolition notice dated 24.12.2012 was issued by respondent No.8 under Section 56 r/w Section 85 of the Town and Country Planning Act 1971 as amended by Act 61 of 2008.

For Petitioner :: Mr.Radhakrishnan

For Respondents :: Mr.M.K.Subramaniam
Special Government Pleader
for RR.1,4,5 and 6
Mr.S.T.S.Moorthy
Government Pleader for RR.2,3, 7 and 8

O R D E R

(Judgment of Court was made by The Honourable Chief Justice)

The petitioner has already filed writ petitions which are pending consideration before this Court qua the issue of illegal construction. Even interim orders have been passed in the same qua any celebration to be made by the 9th respondent so as not to disturb the Forest Environment. During the pendency of the petitions, another petition has been filed seeking writ of mandamus forbearing the 9th respondent from celebrating seven-day cultural extravaganza between 10.02.2015 and 16.02.2015 and Mahasivarathri on 17.02.2015, in the premise which is alleged to be the illegal building.

2. It is also the case of the petitioner that the stand of the respondents authorities is also against the private 9th respondent.

3. In our view, if the authorities have a view, nothing precludes them from taking action in accordance with law, unless there are interdicts from competent courts or proceedings pending. If those proceedings are pending, as it appears from the submissions of the learned counsel for the petitioner, then those proceedings must attain finality first. The present petition is really in the nature of interim measure which is pending consideration of the larger issue, and thus, we are not inclined to maintain the present petition as Public Interest Litigation.

4. The writ petition stands accordingly disposed of. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
State of Tamil Nadu
Department of Environment and Forests
Secretariat, Chennai 600 009.

2.The Secretary,
State of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai 600 009.

3.The District Collector
Coimbatore District.

4.Hill Area Conservation Authority
Coimbatore South Circle, Coimbatore.

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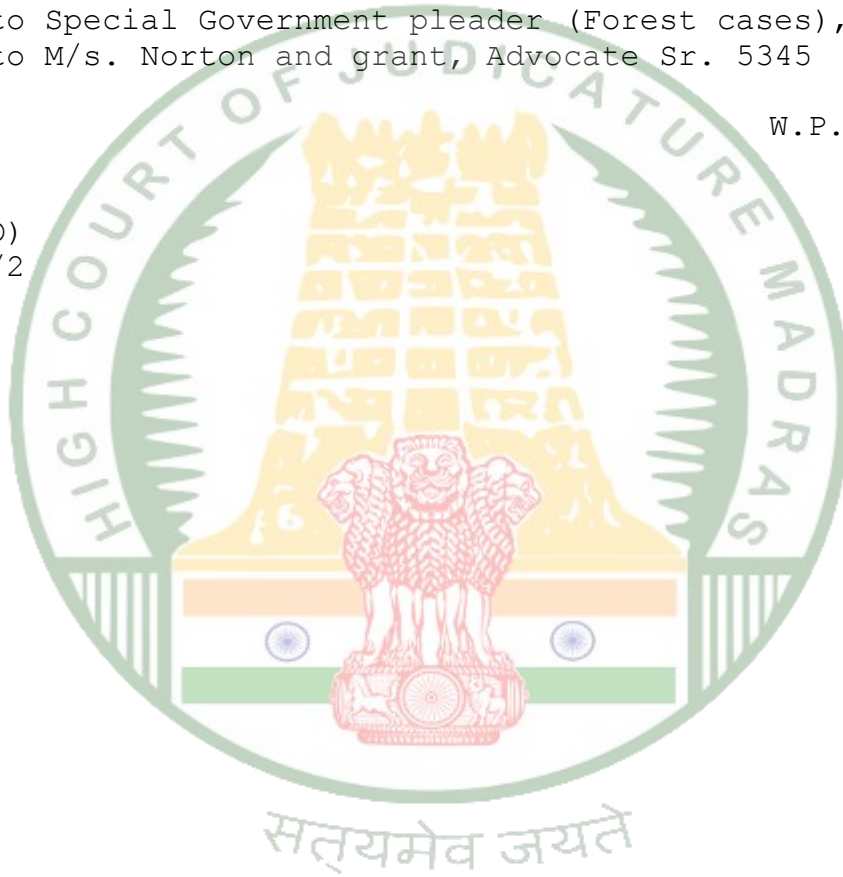
7.The Commissioner and
Director of Town and Country Planning
Chepauk, Chennai 600 005.

8.The Deputy Director of Town and Country Planning
Coimbatore Region,
Coimbatore.

1 cc to Mr.M. Radhakrishnan, Advocate, Sr. 4907
1 cc to Government Pleader, sR. 4958
1 cc to Special Government pleader (Forest cases), sr. 4719
1 cc to M/s. Norton and grant, Advocate Sr. 5345

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GJ (CO)
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