

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

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

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.28418 of 2015 and M.P. No.1 of 2015

B. Girija

Petitioner

Vs.

- 1 State of Tamil Nadu
Represented by its Director Town and
Country Planning 807 Anna Salai Chennai-
600 002.
- 2 Salem City Municipal
Corporation Represented by its Commissioner
Salem.
- 3 The Member Secretary
Local Planning Authority Salem City
Municipal Corporation Salem.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified Mandamus, calling for the records and quash the impugned order bearing Na.Ka.No.474/2014.Se.U.T.Ku dated 08.07.2015 on the file of the 3rd respondent Member Secretary Local Planning Authority, Salem Municipal Corporation, Salem and consequently forbear the respondents from initiating any coercive proceedings like sealing or demolition of the building at Door No.25/9 Lakshmi Saraswathi Apartments, Subramaniapuram, Salem comprised in T.S.Nos.76 77 and 78.

For petitioner Mr. Ravi
for
M/s. Gupta & Ravi

For respondents Mr. P.S. Sivashanmugasundaram
Spl. Govt. Pleader - R1

Mrs. K. Bhuvaneswari - R2

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the first respondent and Mrs. K. Bhuvaneswari, learned counsel accepts notice on behalf of the second respondent. With the consent of the learned counsel on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed seeking to quash the order dated 08.07.2015 passed by the third respondent and consequently forbear the respondents from initiating any coercive proceedings like sealing or demolition of the building at Door No.25/9 Lakshmi Saraswathi Apartments, Subramaniapuram, Salem comprised in T.S.Nos.76, 77 and 78.

3. This Court, in the earlier writ petition being W.P.No. 106717 of 2014 filed by one Selvakumar in respect of the very same property, held as under: -

" We have perused the entire materials placed on record and it appears that the fourth respondent has submitted an appeal in respect of the constructions to the third respondent, which would be adjudicated by the first respondent and it is pending for disposal. Therefore, considering the same, it is not desirable to pass any orders in this writ petition, which, in our opinion, may affect the disposal of the appeal made by the petitioner. In such circumstances, it is needless to say that the petitioner is, either to get himself impleaded in the said appeal or to await the outcome of the said appeal and take proceedings in accordance with law after such disposal, if he is so aggrieved."

4. In the light of the aforestated order dated 22.07.2014, wherein, the petitioner was arrayed as fifth respondent and represented properly, no further adjudication is required at this stage. Accordingly, this writ petition stands dismissed. No costs. Connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ra

To

1 The Director Town and
Country Planning,
State of Tamil Nadu
807, Anna Salai,
Chennai- 600 002.

2 The Commissioner ,
Salem City Municipal
Corporation, Salem.

3 The Member Secretary
Local Planning Authority, Salem City
Municipal Corporation, Salem.

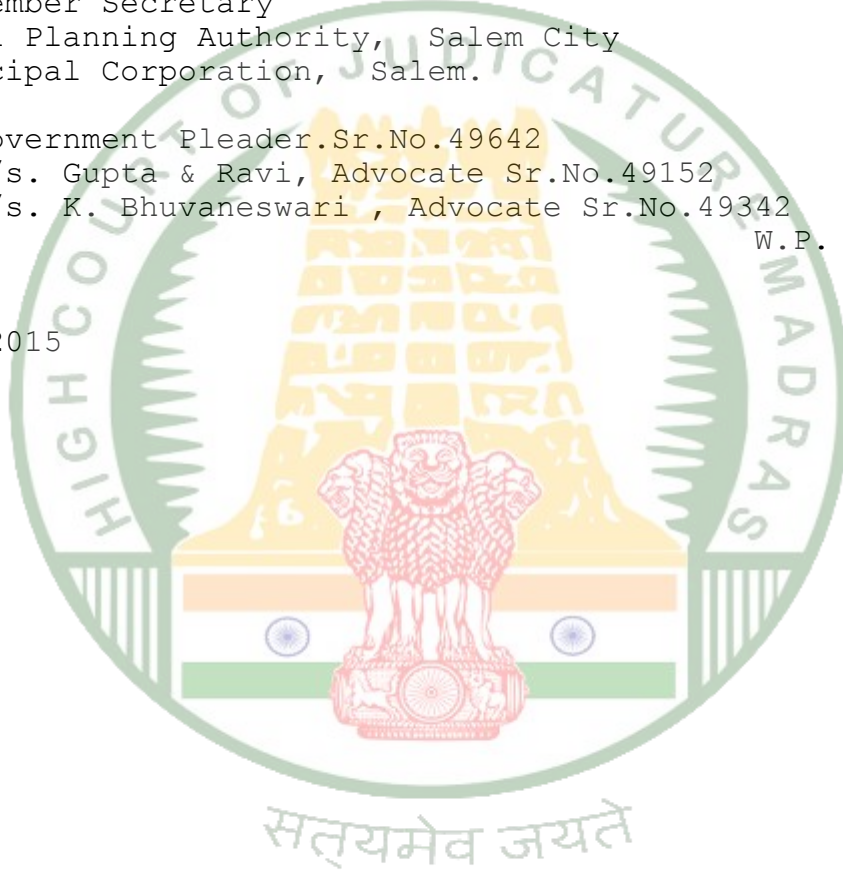
1 cc to Government Pleader.Sr.No.49642

1 cc to M/s. Gupta & Ravi, Advocate Sr.No.49152

1 cc to M/s. K. Bhuvaneswari , Advocate Sr.No.49342

W.P. No.28418 of 2015

rsk(co)
pmk.23.9.2015



WEB COPY