

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02..2015

CORAM

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

W.P.No.3300 of 2015
and
M.P.No.1 of 2015

Sathish Babu .. Petitioner

Vs.

- 1.The Secretary,
Housing and Urban Development,
Chennai-600 009.
 - 2.The Commissioner,
Town and Country Planning Department,
Anna Salai, Chennai-2.
 - 3.The Regional Deputy Director,
Town and Country Planning Department,
Dr.Nanjappa Road,
Coimbatore-18.
 - 4.The Executive Officer,
Annur Town Panchayat,
Coimbatore North Taluk,
Coimbatore District.
- .. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of certiorari calling for the records relating to the impugned proceedings of the third respondent in ROC No.2361/13-CR4 dated 11.6.2013 and consequential order passed by the second respondent in Na.Ka.No.11918/2014/BA1 dated 27.8.2014 and quash the same.

For Petitioner : Mr.K.Srinivasan, SC
for Mr.J.Antony Jesus

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.
For RR1 to 3
Mr.B.Anandan for R-4

ORDER

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

Questioning the legality and validity of the proceedings in ROC No.2361/13-CR4 dated 11.6.2013 passed by the third respondent and also the order dated 27.8.2014 passed by the second respondent, the writ petitioner has come up with the instant writ petition, seeking to quash the same.

2. The petitioner, claiming to be the owner of the land in question, bearing S.Nos.319 and 320 of Annur Village, Annur Taluk, Coimbatore District, has put up a hospital, known as Santhi Medical Foundation Hospital, after due permission from the Executive Officer, Annur Town Panchayat in B.L.No.14/84-85 dated 9.7.1984. It is further claimed that the land to an extent of 18 cents was purchased subsequently. The petitioner was issued a notice under Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "TCP Act") dated 11.6.2013, informing him that the building in question was being constructed to a floor area of 850 sq.mts. (approximate) without the approval as required under Section 47-A of the TCP Act. He was directed to make an application seeking approval with relevant records/enclosures/documents within 15 days of the receipt of the notice, failing which action may be initiated under the provisions of Sections 56 and 57 of the TCP Act. Thereafter, a representation was made by the petitioner on 19.6.2013 to the Deputy Director, Town and Country Planning Programme, for planning permission.

3. One more representation was made on 8.7.2013 addressed to the Secretary, Housing and Urban Development, Chennai, the Commissioner, Town and Country Planning Department and the Regional Deputy Director, Town and Country Planning Department. On 12.7.2013, the petitioner was called upon to submit some more information, which was submitted on 4.10.2013. After having considered all relevant materials, the planning permission was refused, vide order dated 27.8.2014, informing the concerned Authority, the Deputy Director, Town and Country Planning, Coimbatore to take action under the provisions of 56(6) and 57 of the TNP Act.

4. The petitioner has come up against the aforesaid notice as well as the order, inter-alia on the ground that there is no hospital for nearly 40 Kms. radius, having Intensive Care Unit and emergency unit and also the case was not approached properly. If any action is taken under Sections 56 and 57 of the TCP Act, the order is appealable before the State Government and no cause of action has arisen as yet for no action has been taken under Sections 56(6) read with Section 57 of the TNP Act. Thus, at this stage, we do not propose to interfere with the order. The petitioner is at liberty to take recourse to statutory forum as available under the provisions of law, if so advised. The writ petition is dismissed with the

aforested liberty. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

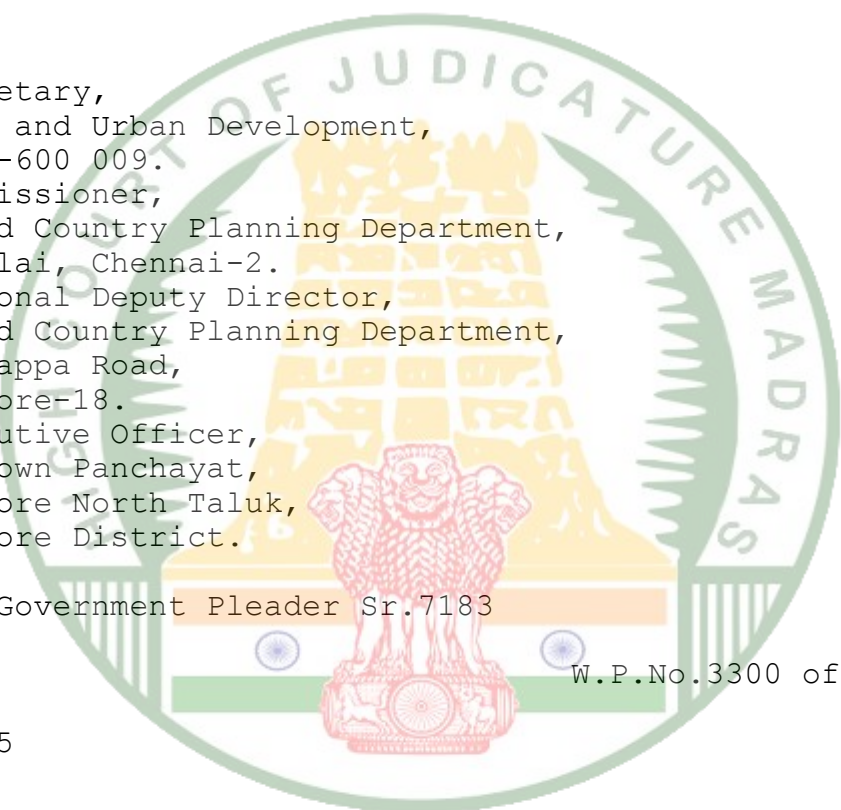
To

- 1.The Secretary,
Housing and Urban Development,
Chennai-600 009.
- 2.The Commissioner,
Town and Country Planning Department,
Anna Salai, Chennai-2.
- 3.The Regional Deputy Director,
Town and Country Planning Department,
Dr.Nanjappa Road,
Coimbatore-18.
- 4.The Executive Officer,
Annur Town Panchayat,
Coimbatore North Taluk,
Coimbatore District.

+ 1 cc to Government Pleader Sr.7183

SCD(CO)
Eu 17.02.15

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