

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.35716 of 2015

Palanisamy Gounder Charitable Trust
rep. By its Vice Chairman
P.Mani

S/o Late Shri Palanisamy Gounder
having its Registered Office at
Shanmugam Complex
New Edapadi Road
Sankari
Salem District 637 301.

..Petitioner

Vs

1. The Director
Directorate of Town and Country Planning
Opposite to L.I.C
4th Floor, Chengalvarayan Building
Door No.807 Anna Salai
Chennai 600 002.

2. The Deputy Director
Deputy Directorate of Town Planning
Salem Division
6, Sanathi Street
Subramaniya Nagar
Suramangalam
Salem 636 005.

3. The Executive Officer
Sankari Town Panchayat
Sankari
Salem District.

..Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus to direct the first respondent to consider the petitioner's application seeking for approval of the building plan pending in file No.5861/14/BA2 on the file of the first respondent and grant approval in accordance with law.

For petitioner .. Mr.M.R.Thangavel

For respondents .. Mr.S.Diwakar,
Additional Government Pleader

O R D E R

Heard Mr.M.R.Thangavel, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Additional Government Pleader for the respondents. With the consent of the learned counsel for the parties, the main writ petition is taken up for final disposal.

2. The petitioner is a Charitable Trust and has filed this writ petition to direct the first respondent to consider the petitioner's application for approval of the building plan pending in its file in No.5861/14/BA2.

3. It is seen that the first respondent, vide communication dated 8/8/2014, directed the petitioner to furnish the Chartered Structural Engineer Certificate with regard to the stability of the building along with appropriate form. The petitioner has furnished the same along with a letter dated 25/10/2014. Thereafter, fresh enquiry was raised by the first respondent vide memo dated 9/3/2015 for which the petitioner sent a reply on 27/5/2015. Once again, a new set of queries were raised on 25/8/2015 which according to the petitioner has been fully explained. Another communication was sent by the first respondent on 18/6/2015 for which the petitioner sent a reply on 11/7/2015. Once again, another set of communications dated 17/7/2015 and 25/8/2015 were sent and now the matter is pending before the first respondent for consideration.

4. According to the petitioner, Approval Petition is kept pending for an unreasonably long period of time. One thing is to be entertained in the instant petition is that the first respondent is raising the queries in a piecemeal and enquiries have not been raised at one stretch and repeatedly letters were issued to the petitioner which should have been avoided. It is not known whether further enquiries are there to be answered by the petitioner.

5. In the light of the above, there will be a direction to the first respondent to consider the petitioner's application for planning permission and if any further queries are there to be answered by the petitioner, the same shall be directed to be answered by the petitioner within a period of ***two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall dispose of the application for planning permission, within a period of three months, thereafter.** It is made clear that the first respondent is not entitled to raise any more queries on the petitioner.

6. With the above direction, this writ petition is disposed of.
No costs.
mvs.

Sd/-
Assistant Registrar (CS-VII)

***Corrected as per order of this
Court dated 18/12/2015 and made herein.
Sd/-Assistant Registrar (Cs-IV)
Dated 23/12/2015**

/True Copy/

Sub-Assistant Registrar

To

1. The Director
Directorate of Town and Country Planning Opposite to L.I.C
4th Floor, Chengalvarayan Building
Door No.807 Anna Salai
Chennai 600 002. To be substituted to the
order already despatched.
2. The Deputy Director
Deputy Directorate of Town Planning
Salem Division
6 Sanathi Street
Subramaniya Nagar
Suramangalam
Salem 636 005.
3. The Executive Officer
Sankari Town Panchayat
Sankari
Salem District.

+1 C.C. To MR.M.R.Thangavel, Advocate in SR.NO.62931
+1 C.C. TO MR.S.N.Ravichandran, Advocate in SR.NO.59287
+1 C.C. To Government Pleader in SR.NO.68822

W.P.No.35716 of 2015

MP (CO)
sd : 08/12/2015

CO-MP
JD 23/12/2015