

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.39864 of 2015

Padrinath

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Commissioner
Krishnagiri Municipality
Krishnagiri District.

2. The Deputy Director
Town and Country Planning Department
83 Appavu Nagar
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus to forbear the respondents their men agents servants subordinates or anybody acting on their behalf from in any way demolishing the building situated in S.No.772, Block No.22, T.S.No.53, Jakkappen Nagar, Second Cross Street, Boganappallai Village, Krishnagiri District until the appeal/ representation dated 24.11.2015 is disposed of by the second respondent in a manner known to law.

For petitioners : Ms. Selvi George

For respondents : Mr. P.S.Sivashanmugasundaram
Special Government Pleader
- R1 & R2

ORDER

(Delivered by SATISH K. AGNIHOTRI,J.,)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents 1 and 2. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus forbearing the respondents, their men, agents, servants, subordinates or anybody acting on their behalf from in any way demolishing the building situated in S.No.772, Block No.22, T.S.No.53, Jakkappan Nagar Second Cross Street, Boganappallai Village, Krishnagiri District until the appeal/representation dated 24.11.2015 is disposed of by the second respondent.

3. Learned counsel appearing for the petitioner submits that the petitioner has constructed the ground floor and first floor at S.No.772, Block No.22, T.S.No.53, Jakkappan Nagar Second Cross Street, Boganappallai Village, Krishnagiri District with proper permission, however, some deviations were found therein on examination and thus, the permission was cancelled. The petitioner has made an application for exemption from the provisions of Rules, which is pending consideration. The petitioner is having threat of demolition. Thus, a direction be issued to the second respondent/ Deputy Director, Town and Country Planning Department, Dharmapuri District, to consider his application in accordance with law, at the earliest.

4. Learned Special Government Pleader submits that the pending application shall be examined on its own merits and in accordance with law and decision will be taken within a period of four weeks.

5. In view of the above said submission of the learned Special Government Pleader, it is ordered accordingly.

6. The writ petition stands disposed of with the above observation. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu
Rep. by its Commissioner
Krishnagiri Municipality
Krishnagiri District.
2. The Deputy Director
Town and Country Planning Department
83 Appavu Nagar
Dharmapuri District.

+lcc to Ms. Selvi George, Advocate, S.R.No.68109

W.P. No.39864 of 2015

SV(CO)
CA(08/01/2016)

सत्यमेव जयते

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