

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

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

W.P. No.4101 of 2015
and
M.P. No.1 of 2015

T. Kalivarathan

...Petitioner

vs.

1 The Directorate of Town and Country Planning
represented by its Director
Opp. LIC
Chengalvarayan Building-IV Floor
No.807, Anna Salai, Chennai 600 002

2 The Member Secretary
Cuddalore Local Planning Authority
No.6/4, Srinivasapillai Street
Pudupalayam, Cuddalore 607 001

3 The Commissioner
Cuddalore Municipality
Municipal Office
Bharathi Road, Cuddalore 607 001

4 S. Praiyon

5 A. Jethendra Patel

6 JPS Promoters
represented by its Director
having Registered Office at
No.7B, Imperial road
Cuddalore - 2

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate and immediate action against the respondents 4 to 6 herein, under relevant provisions of the Tamil Nadu Town and Country Planning Act and Tamil Nadu District Municipalities Act, by stalling any further construction of building through locking and sealing the said building and also by demolishing any illegal and unauthorised structure so far constructed, erected and existing in the property at JPS Promoters - Aishwaryam Apartments at T.S. No.170/2, 167/2B at No.18/1, Abdul Khader Street, Manjakuppam, Cuddaore - 1.

For petitioner : Mr. A. Dev Narendran

For RR 1 & 2 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R3 : Mr. R. Vijayakumar
Additional Government Pleader

ORDER

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

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate and immediate action against the respondents 4 to 6 herein, under relevant provisions of the Tamil Nadu Town and Country Planning Act and Tamil Nadu District Municipalities Act, by stalling any further construction of building through locking and sealing the said building and also by demolishing any illegal and unauthorised structure so far constructed, erected and existing in the property at JPS Promoters - Aishwaryam Apartments at T.S. No.170/2 and 167/2B at No.18/1, Abdul Khader Street, Manjakuppam, Cuddaore-1.

2 The petitioner's grievance is that on account of illegal and unauthorised construction carried out by the respondents 4 to 6 in the premises in question, his building is collapsing. In this regard, he has submitted a representation dated 29.01.2015 to the official respondents, which is pending consideration. Thus, urgent action is required to be taken by the official respondents against the private respondents by considering his pending representation.

3 The learned Special Government Pleader submits that if such a representation is pending consideration, the same will be considered and orders will be passed on its own merits and in

accordance with law.

4 Considering the fact situation and also, taking into account, the above submission made by the learned Special Government Pleader, we direct the official respondents to consider and pass orders on the petitioner's representation dated 29.01.2015 in accordance with law and on its own merits and take appropriate action, after giving notice to the alleged violators of law, within a period of two weeks from the date of receipt of a copy of this order.

5 The writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Director
Directorate of Town and Country Planning
Opp. LIC
Chengalvarayan Building-IV Floor
No.807, Anna Salai
Chennai 600 002 Respondents

2 The Member Secretary
Cuddalore Local Planning Authority
No.6/4, Srinivasapillai Street
Pudupalayam
Cuddalore 607 001

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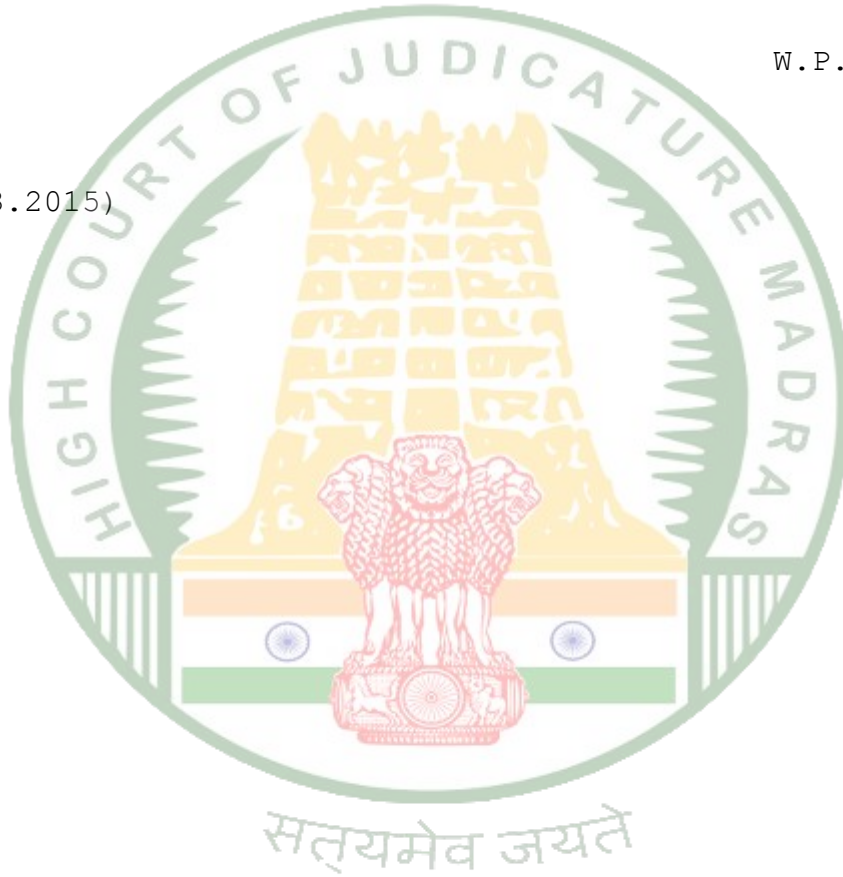
3 The Commissioner
Cuddalore Municipality
Municipal Office
Bharathi Road
Cuddalore 607 001

1 CC to Mr. A. Dev Narendran, Advocate SR.No. 9026

1 CC to the Government Pleader, SR.No. 8703

W.P. No.4101 of 2015

SSI (CO)
PSI (09.03.2015)



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