

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4959 of 2015 and M.P.No.1 of 2015

M.Ravi

...Petitioner

Vs

1. The Executive Officer,
Office of the Executive Officer,
Sethiyathope Town Panchayath
Sethiyathope, Chidambaram Taluk,
Cuddalore District

2.V.Ravi

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st respondent from granting any permission or plan approval to the 2nd respondent to construct any building, structure or wall over the common passage in the property bearing S.No.209/11 situated at Sethiyathope Town, Chidambaram Taluk.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.A.Kumar for R1

O R D E R

Heard Mr.P.R.Thiruneelakandan, learned counsel appearing for the petitioner and Mr.A.Kumar, learned counsel appearing for the 1st respondent. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for issuance of Writ of Mandamus forbearing the 1st respondent from granting any permission or plan approval to the 2nd respondent to construct any building, structure or wall over the common passage in the property bearing S.No.209/11 situated at Sethiyathope Town, Chidambaram Taluk.

3. According to the petitioner, the 2nd respondent is attempting to put up construction in a common passage. In this regard, a civil suit filed by the petitioner against the 2nd respondent in O.S.No.16 of 2015 before the District Munsif Court, Chidambaram is pending. In the meantime, it appears that the 2nd respondent has filed an application for approval of building plan and the matter has been considered by the 1st respondent. The petitioner has raised objection on 30.12.2014 and the same is pending.

4. In the light of the above without going into the merits of the petitioner's contention, there shall be a direction to the 1st respondent to consider the petitioner's application for building plan after considering the petitioner's objection and after hearing petitioner as well as 2nd respondent, pass a reasoned order on merits and in accordance with law within a period of three weeks from the date of receipt of copy of this order.

With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Executive Officer,
Office of the Executive Officer,
Sethiyathope Town Panchayath
Sethiyathope, Chidambaram Taluk,
Cuddalore District

1 cc to Mr.P.R. Thiruneelakandan, Advocate, sr. 10515

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RSY (CO)
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