

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/9/2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.16965 and 16966 of 2012

S.V.B.Silks Pvt Ltd
rep by its Director
R.Arthanari Srinivasan
No.3/195 Sankagiri Main Road
Nethimedu
Salem 636 002.

...Petitioner in W.P.No.
16965/2012

P. Arumugam

...Petitioner in W.P.No.
16966/2012

Vs

1. Salem City Municipal Corporation
rep. By its Commissioner
Salem.
2. Salem Local Planning Authority
rep. By its Member/Secretary
Salem 636 005.
3. The State of Tamil Nadu
rep. By its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 9.
4. The Commissioner
Directorate of Town and Country Planning
Fourth Floor
807 Anna Salai
Chennai 2.

...Respondents in both
the petitions.

(R.3 and R.4 are impleaded as per
order dated 9/9/2015 in M.Ps1 and 1 of 2015
in W.P.Nos.16965 and 16966/2012

Prayer in W.P.No.16965/2012:- Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the impugned notice in N.K.E10/151/2008 dated 26/4/2012 issued by the first respondent, notice dated 12/10/2011 in Na.Ka.No.1440/2011 passed by the second respondent and order dt. 7/3/2011 in K.V.No.E10/151/08, confirming the order dated 24/2/2012 in K.V.E.10/151/08 issued by the first respondent having an extent of 1885.985 sq.mts of land and building comprised in Sub-Division No.14/5 part of S.No.13 and 14/1 in Block No.20 New Ward-K (originally Ward - C) abutting on Salem to Omalur Road, in Salem Mitta Periyaeri Village, in Salem Corporation and quash the same and consequently direct the second respondent to process, consider and pass orders on the application dated 7/5/2012 submitted by the petitioner for retention of the building, having an extent of 1885.985 Sq.mts of land and building comprised in Sub-Division No.14/5 part of S.Nos.13 & 14/1 in Block No.20 New Ward-K (originally Ward-C) abutting on Salem to Omalur Road in Salem Mitta Periyaeri Village, in Salem Corporation.

Prayer in W.P.No.16966/2012:- Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the impugned notice in N.K.E9/40/2011 dated 26/4/2012 on the file of the first respondent, notice dated 24/2/2012 in Na.Ka.No.305/2012 passed by the second respondent and order dt. 7/3/2011 in K.V.No.E10/151/08, confirming the order dated 24/2/2012 under reference Ka.V.No.E.9/40/2011 issued by the first respondent in respect of the petitioner's premises and to quash the same and consequently directing the second respondent to process, consider and pass orders on the application dated 11/5/2012 submitted by the petitioner for retention of the building, comprised in Sub-Division No.14/6 part of S.No.14/1 in Block No.20 New Ward-K (originally Ward-C) abutting on Salem to Omalur Road in Salem Mitta Periyaeri Village, in Salem Corporation.

For petitioners ... Mr.P.Wilson
Senior Counsel
for M/s.P.Wilson Associates

For respondents ... Mr.S.Diwakar
for R.1 (No appearance)
Ms.P.Shanthi for R.2.

Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.3 and 4.

C O M M O N O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2. These writ petitions have been filed assailing the correctness and validity of the order dated 26 April, 2012 passed by the first respondent and the consequential notices.

3. It is brought to our notice that during the pendency of these petitions, appeals have been preferred by the petitioners before the Commissioner, Directorate of Town and Country Planning, Chennai, in compliance with the Circular being Na.Ka.No.10331/2008 PA2 dated 4 June, 2008 issued by the Town Planning, Commissioner, Chennai, after a period of four years.

4. Without going into the merits of the case, a direction is issued to the Commissioner, Directorate of Town and Country Planning, Chennai, to consider the appeals filed by the petitioners on its own merit and in accordance with law and dispose of the same within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the official respondents are at liberty to take consequential action in accordance with law.

5 With the aforestated direction, the writ petitions stand disposed of. No costs. Connected Miscellaneous Petitions are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

WEB COPY

mvs.

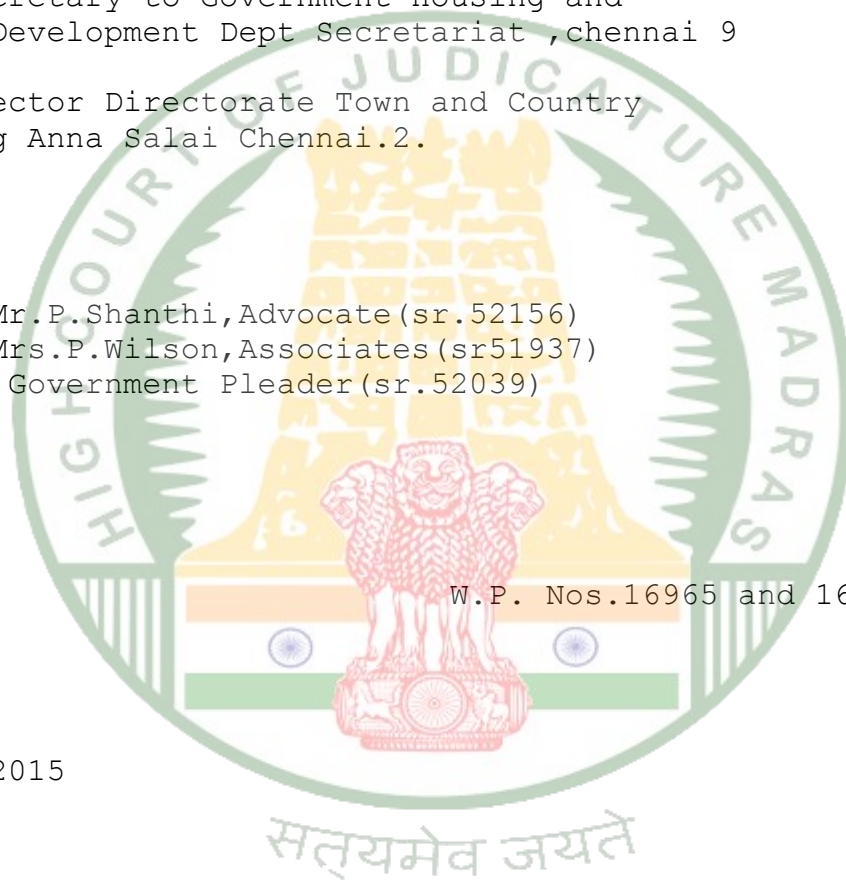
To

1. The Commissioner
city Municipality Corporation ,Salem
2. The member /Secretary
Local Planing Authority,Salem.
3. The Secretary to Government Housing and
Urban Development Dept Secretariat ,chennai 9
- 4.The Director Directorate Town and Country
Planning Anna Salai Chennai.2.

+1 cc to Mr.P.Shanthi,Advocate(sr.52156)
+1 cc to Mrs.P.Wilson,Associates(sr51937)
+1 cc to Government Pleader(sr.52039)

W.P. Nos.16965 and 16966 of 2012

LRS (co)
cp 16/10/2015



WEB COPY