



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.17895 of 2014

and

M.P. (MD) Nos.1 of 2014 and 1 of 2015

R.Vishakan

... Petitioner

Vs.

1. The Local Planning Authority,
represented by its Secretary,
Trichy Region, Trichy.

2. The Commissioner,
Karur Municipality,
Karur, Karur District.

3. R.Kasturi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondents No.1 and 2 to take action against the illegal constructions of third respondent carried out at Ward No.1, Block No.5, T.S.NO.167/1, 168/2 of Karur Town.

For Petitioner : Mr.R.Murali
For Respondents : Mr.M.Raja Rajan
Government Advocate for R.1
: Mr.P.Alagu Sundaram
for R.2
: Mr.N.Shanmuga Selvam
for R.3

ORDER

This Writ Petition is filed seeking for a direction to the respondents 1 to 2 to take action against the illegal construction put up by the third respondent at Ward No.1, Block No.5, T.S.NO.167/1, 168/2 of Karur Town.

2. According to the petitioner, though the third respondent obtained plan approval only for ground floor and first floor, she proceeded to construct the third floor also without planning permission. Therefore, he made a representation on 14.10.2014 seeking for appropriate action. As the Authorities failed to take action, the present Writ Petition has been filed for the relief as

3. The third respondent filed a counter affidavit and opposed



the writ petition.

4. The learned Counsel appearing for the third respondent based on instructions submitted that already a revised plan seeking for approval is filed before the respondents 1 and 2 and therefore it is for the respondents 1 and 2 to consider the same and pass orders.

5. Considering the above stated facts and circumstances, I direct the respondents 1 and 2 to consider the revised plan submitted by the third respondent and pass orders on the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the respondents 1 and 2 should not construe this order passed by this Court to mean that this Court has expressed any view on the claim made by the respective parties on the merits of the matter, as it is for the respondents 1 and 2 to consider the same and pass appropriate orders on merits. It is needless to say that if any construction is put up pending orders to be passed by the respondents 1 and 2, the same would be subject to the result of the order to be passed by them.

6. With the above observations, this Writ Petition is disposed of. Consequently, the interim order already granted is vacated and the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Local Planning Authority,
Trichy Region, Trichy.

2. The Commissioner,
Karur Municipality,
Karur, Karur District.

+ 1 CC TO MR.M.SURESH KUMAR, ADVOCATE IN SR NO. 69347
+ 1 CC TO MR.N.SHANMUGA SELVAM, ADVOCATE IN SR NO. 69208
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 69391

SSL

TE/PM/ 10/12/2015 : 2P/6C

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