

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

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

W.P. No.10828 of 2016 and W.M.P. No.9453 of 2016

M. Mohmed Siraj ... Petitioner

vs.

1 The Member Secretary
Erode Local Planning Authority
Town and Country Planning Department
Housing Board Commercial Complex
Soorapati Nal Road
Erode
638 009

2 The Commissioner
Erode Municipal Corporation
Erode
Erode District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to defer the demolition notice in ROC No.E1/1321/2014 dated 05.02.2016, till the disposal of the application for regularisation of the construction carried out in the building of the petitioner at Door No.48/1012, Nethaji Road, Ward E, Plot No.11, T.S. No.33, Zone IV, Erode City Municipal Corporation, Erode District made before the first respondent on 09.02.2016.

For petitioner Mr. S. Regu

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the second respondent to defer the demolition notice in ROC No.E1/1321/2014 dated 05 February 2016, till the disposal of the application for regularisation of the construction carried out in the petitioner's building at Door No.48/1012, Nethaji Road, Ward E, Plot No.11, T.S. No.33, Zone IV, Erode City Municipal Corporation, Erode District made before the first respondent on 09 February 2016.

2 After the disposal of the application filed under Sections 79 and 80 of the Tamil Nadu Town and Country Planning Act, 1971, by the petitioner who is also afforded an opportunity of personal hearing on 23 September 2015, the petitioner is making a fresh attempt by filing an application for regularisation. The application for regularisation has already been rejected earlier. Thereagainst, an appeal was preferred, which was also rejected vide order dated 12 October 2015, with an observation that after making due modifications, meaning thereby, removing the unauthorised constructions as set down in paragraph no.3 of the order, a fresh application can be made. It is not the case of the petitioner that he has made modifications in the existing building and also now, he has filed a fresh application, which is not permissible.

Accordingly, we are not inclined to entertain this writ petition at this stage. Accordingly, this writ petition stands dismissed. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1 The Member Secretary,
Erode Local Planning Authority,
Town and Country Planing Department,
Housing Board Commercial Complex,
Soorapati Nal Road,
Erode 638 009.

2 The Commissioner,
Erode Municipal Corporation,
Erode,
Erode District.

+1cc to Mr.C.K.M.Appaji, Advocate Sr.19164

W.P. No.10828 of 2016

skv[co]
srg 05/04/2016