

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.17237 of 2015

M.Gajendran

...Petitioner

Vs.

1.The Commissioner
Thiruporur Panchayat Union
Kancheepuram District.

2.The President Mambakkam Panchayat
Thiruporur Taluk.

3.The Director of Town and Country Planning,
Town and Country Planning Department
Chengalpattu Zone, Chengalpattu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to approve the application of the petitioner for planning permission dated 05.02.2014 and regularize the Building in Plot 15 and 16 situated in Survey No.55/1, 315/12, 45/1 and 45/2 in Mambakkam village, Kancheepuram District and to remove the lock and the seal from the property.

For Petitioner : Mr.AR.L.Sundaresan, SC
for Mr.M.Rajasekhar.

For Respondents : Mr.S.Gunasekaran
Government Advocate for R1 and R2.
Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R3.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This writ petition is filed praying to issue a writ of Mandamus to direct the respondents to approve the application of

the petitioner for planning permission dated 05.02.2014 and regularize the Building in Plot 15 and 16 situated in Survey No.55/1, 315/12, 45/1 and 45/2 in Mambakkam village, Kancheepuram District and to remove the lock and the seal from the property.

2.In the accompanying affidavit of the writ petition, the petitioner has averred that he is the absolute owner of the property in Plot Nos.9, 10, 14, 15 and 16 situated in Survey Nos.55/1, 315/12, 45/1 and 45/2 totally measuring an extent of 11586 sq.ft. in Mambakkam Village, Kancheepuram District. When the petitioner approached the respondents 1 and 2 for approval of planning permission, the adjacent land owner, namely, Lakshmipathi Naidu filed a writ petition in W.P.No.9146 of 2013 for directing the respondents 1 to 3 to remove the illegal/unauthorized construction being carried on by the petitioner. Thereafter, the petitioner again submitted a representation before the respondents 1 and 2, but the same was returned as refused by the second respondent. Then the petitioner filed two writ petitions in W.P.No.28753 of 2013 and W.P.No.35119 of 2013 seeking for a direction, directing the respondents 1 and 2 to sanction the building plan and to quash the impugned order of the third respondent dated 20.12.2013. This Court by common order dated 29.01.2014 directed to lock and seal the building constructed by the builder/petitioner herein, which is the subject matter of the litigation, forthwith with the assistance of police and the builder/petitioner herein was directed to pay a sum of Rs.2 lakhs as cost of the litigation to the panchayat and he was also directed to make an application for planning permission before the panchayat after remitting the cost. Pursuant to the order passed by this Court, the petitioner submitted an application for planning permission before the second respondent on 05.02.2014 and the second respondent has forwarded the same to the third respondent on 03.03.2014 along with the order of this Court. But the third respondent has not passed any order till date. Therefore, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner, Mr.S.Gunasekaran, learned Government Advocate for the respondents 1 and 2 and Mr.P.S.Shivashamugasundaram, learned Special Government Pleader for the 3rd respondent.

4.Considering the entire gamut of facts, this Court is of the considered view that it would be suffice to direct the third respondent to consider the application submitted by the petitioner on 05.02.2014. Accordingly, the third respondent is directed to consider the application submitted by the petitioner on 05.02.2014 within a period of two months from the date of

receipt of a copy of this order and pass orders thereon, after giving due opportunity to the petitioner. Till a decision is taken on the application submitted by the petitioner, the panchayat shall not take any action of locking and sealing the building constructed by the petitioner.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Commissioner
Thiruporur Panchayat Union
Kancheepuram District.

2.The President Mambakkam Panchayat
Thiruporur Taluk.

3.The Director, Town and Country Planning Director
Town and Country Planning Department
Chengalpattu Zone, Chengalpattu.

1 cc to Government Pleader, sr.30952
1 cc to Mr.s.Gunasekaran, Advocate, sr.30643
1 cc to Mr.M.Rajasekhar, Advocate, sr.30569

सत्यमेव जयते

W.P.No.17237 of 2015

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kra 23.06.2016

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