

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.06.2016

CORAM

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

W.P. NO. 17774 OF 2016
AND
W.M.P. NO. 15457 OF 2016

Sara Staley

.. Petitioner

- Vs -

1. The Commissioner
Gobichettipalayam Municipality
Gobichettipalayam.

2. The Executive Engineer (O&M)
TANGEDCO, Gobichettipalayam.

3. Kalayarasi .. Respondents

W.P. No.40997 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1 and 2 to forthwith remove the unauthorised construction put up by the 3rd respondent at Door No.36, Karunmaya Extension-4, Block 26 TS No.32, Natham No.30, Veerapandy Village, Gobichettipalayam, in violation of the planning permission and to bring the construction as per the plan by implementing the proceedings No. Ka.Vi. No.103/15/F1 dated 29.3.2016.

For Petitioner : Ms. T.P.Ramadevi

For Respondents : Mr. P.S.Sivashanmugasundaram
Spl.G.P. For RR-1 & 2
Mr. N.Manokaran for R-3

ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

With regard to the illegal construction carried on by the 3rd respondent in violation of the approved plan obtained by her, the petitioner approached the 1st respondent and submitted her representation for action on the 3rd respondent to demolish the illegal construction and to carry out the construction in

consonance with the approved plan, the 1st respondent issued notice calling upon the 3rd respondent to carry on the construction as per approved plan. Since the 3rd respondent did not take any steps to rectify the defects, consequential action was initiated by the 1st respondent under the relevant provisions of the District Municipalities Act against which the 3rd respondent filed an appeal and had obtained prohibitory orders. Since, no remedial action has been taken with regard to the illegal construction put up by the 3rd respondent, the present petition has been filed.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the 3rd respondent and perused the materials on record.

3. It is brought to the notice of the Court that an appeal has been filed before the appellate authority and that the appellate authority is seized of the matter and if the petitioner is aggrieved, the petitioner may approach the appellate authority for redressal of her grievance.

4. In such view of the matter, this Court is of the considered view that it would be suffice to direct the petitioner to approach the appellate authority by impleading herself in the appeal filed by the 3rd respondent and express her grievance so that the appeal could be disposed of by the appellate authority in accordance with law.

5. Accordingly, this writ petition is disposed of directing the petitioner to approach the the appellate authority by impleading herself in the appeal filed by the 3rd respondent and express her grievance and the appellate authority adjudicate the matter in accordance with law after hearing the parties concerned. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

GLN

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner
Gobichettipalayam Municipality
Gobichettipalayam.
2. The Executive Engineer (O&M)
TANGEDCO, Gobichettipalayam.

+ 1 cc to M/s.N.Manokaran, Advocate SR 30786

+ 1 cc to M/s.P.T.Ramadevi, Advocate SR 30806

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W.P. NO. 17774 OF 2016



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