

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.19299 of 2016

and MP.No.16776 of 2016

Shaik Mohamed

... Petitioner

Vs

1. The Principal Secretary,
Housing and Urban Development
3rd Floor Secretary,
St.George, Chennai 600009.

2.The Commissioner,
Director of Town and Country Planning
801, Anna Salai, Chennai 600 002.

3.The Deputy Director,
Town and Country Planning
83, Pidamaneri road,
Appavu Nagar, Dharmapuri.

4.The District Collector, Krishnagiri.

5.The President,
Shoolagiri Village Panchayat,
Krishnagiri.

6.The Block Development Officer,
Shoolagiri Panchayat,
Shoolagiri 635 117.
Krishnagiri.

7.K.S.Akila Begum.

.. Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the respondents to implement the proceedings in Na.Ka.No.963/2015/ThaMa, dated 09.09.2015, passed by the 3rd respondent.

For Petitioner : Mr.Avinash
for V.Raghavachari

For Respondents : Mr.T.N.Rajagopalan
Special Government
for R.1 to R.4
Mr.S.R.Sundar for R.7
Mr.R.S. Thangavel for R5 and
6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The allegation of the petitioner against the private respondent No.7 is of unauthorized construction. It is stated that a lock and seal notice was issued on 09.09.2015, but there has been no follow up.

2. It is an accepted position that the 7th respondent was asked to submit the sanctioned plan, but she failed to do so. This position is sought to be disputed by the 7th respondent.

3. Be that as it may, it cannot be doubted that either the 7th respondent has a sanctioned plan and has made construction according to the same or unauthorized construction has been made. Thus, to put an end to the controversy, we issue the following directions:

i) The 7th respondent is directed to produce the planning permission, if any, from the competent authority/third respondent within two weeks.

ii) The planning authority will take a decision whether there is any sanctioned plan or whether sanction is required to be granted or not post facto within a maximum period of two months thereafter.

iii) In case, there is no planning permission and no planning permission is granted, then the Corporation will proceed in accordance with law after notice to all concerned within a maximum period of two months thereafter.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected MP.is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksr

To

1. The Principal Secretary,
Housing and Urban Development
3rd Floor Secretary, St.George, Chennai 600009.

2.The Commissioner, Director of Town and Country Planning
801, Anna Salai, Chennai 600 002.

3.The Deputy Director, Town and Country Planning
83, Pidamaneri road, Appavu Nagar, Dharmapuri.

4.The District Collector, Krishnagiri.

+1cc to Mr.K. Moorthy, Advocate, S.R.No.64865

+1cc to Mr.V. Ragavachari, Advocate, S.R.No.64902

+1cc to the Government Pleader, S.R.No.64986

ppa (CO)
md(24/11/2016)

सत्यमेव जयते

W.P.No.19299 of 2016

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