

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.40963 of 2015 and M.P. No.1 of 2015

K.P. Subbaiyan

Petitioner

Vs.

1 The Commissioner
Erode City Municipal Corporation
Erode

2 The Member Secretary
Town and Country Planning Authority
Tamil Nadu Housing Board Commercial Complex
SurampettaiNaal Road
Erode - 9

3 P. Sengodu

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records in respect of the impugned order issued by the first respondent in Na.Ka.No.E3/718/2015-ma-2 dated 30.06.2015 and the consequent notice vide his proceedings in Roc. No.E1/UAC/4/2015 dated 25.11.2015 and quash the same as illegal and without jurisdiction.

For petitioner Mr. K.M. Vijayan, Sr. Counsel
for Mr. K.S. Jeyaganeshan

For R1 Mr. M. Rajamathivanan

For R2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. M. Rajamathivanan, learned counsel, accepts notice for the first respondent. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the second respondent. Notice to the third respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned counsel for the first respondent and the learned Special Government Pleader appearing for the second respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2 Impugning the order dated 30 June 2015 passed by the first respondent and the consequential locking, sealing and demolition notice dated 25 November 2015 issued by the first respondent, the petitioner, stated to be a lawful owner, is before us in the instant writ petition.

3 According to the learned Senior Counsel appearing for the petitioner, the petitioner has constructed the building in question after obtaining proper permission and approval which could not be produced. Thus, an opportunity be granted to the petitioner to produce the same before the authorities.

4 Mr. M. Rajamathivanan, learned counsel for the first respondent submits that all the documents were examined before passing the impugned orders. However, if some new documents, including permission or approval are in possession of the petitioner, the petitioner may be granted some time to produce the same and fresh action will be initiated only after properly advertng to each and every document to be produced by the petitioner.

5 In such view of the matter, the writ petition is disposed of reserving liberty to the petitioner to produce all the documents, including objection, if any, within a period of two weeks. Thereafter, the first respondent is entitled to pass appropriate orders in accordance with law, after advertng to the objections raised by the petitioner and also after examining the documents produced by the petitioner. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Commissioner
Erode City Municipal Corporation
Erode
 - 2 The Member Secretary
Town and Country Planning Authority
Tamil Nadu Housing Board Commercial Complex
SurampettaiNaal Road
Erode - 9
- 1 cc to Mr. M. Raja Mathivanan, Advocate, Sr. 443
1 cc to Mr.E. Vijay Anand, Advocate, Sr. 205
1 cc to Mr.K.S. Jeya ganeshan, Advocate, Sr. 166

W.P. No.40963 of 2015

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