

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.25221 of 2013

and M.P.No.1 of 2013

M.Kasim

... Petitioner

-vs-

The Member Secretary / Commissioner,
Gudalur Municipality,
Gudalur Local Planning Authority,
Gudalur, The Nilgiris District.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the respondent made in letter number S/2013/F1 dated 1/8/13 which was received by the petitioner on 5/8/13 and quash the same.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.P.Srinivas

O R D E R

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

The petitioner has assailed the locking and sealing and demolition notice dated 01.08.2013 in respect of premises of the petitioner in New Survey Number 273/1 part, Old Survey Number 135/1B/part at Gudalur Village, Nilgiris District.

2.The admitted case of both sides is that the planning permission was granted for ground and first floor residential construction with tiled roof. The allegation of the respondent before us, though not set out in the notice, is that the second floor has also been constructed and that is being used as a marriage hall.

3.Learned counsel for the petitioner confidently states that the only construction is of ground and first floor in accordance with the planning permission. Thus, there is no issue that if there is any construction beyond the planning permission, the same can be demolished. Naturally, this would also encompass any user contrary to the planning permission.

4.We direct the respondent / Municipality to carry out an inspection of the property within fifteen (15) days from today and in case any unauthorised construction or user is found, to forthwith remove the same, especially in view of the stand of the petitioner, within a period of a month thereafter, at the cost of the petitioner.

5.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

The Member Secretary / Commissioner,
Gudalur Municipality,
Gudalur Local Planning Authority,
Gudalur, The Nilgiris District.

+lcc to Mr.P. Srinivas, Advocate, S.R.No.74129

+lcc to Mr.N. Umapathi, Advocate, S.R.No.73817

rsy(CO)
md(27/12/2016)

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