

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.2790 of 2013

Dr.P.Selvaraj

.. Petitioner

Vs.

1. The Director of Town and Country Planning
No.807, Anna Salai
Chennai - 600 002.

2. The Deputy Director
Town and Country Planning
No.6, Sannadhi Street
Subramaniya Nagar
Salem - 5.

3. The Commissioner
Namakkal Municipality
Namakkal.

4. D.Jayashree

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to take appropriate action under the relevant laws to remove the illegal construction put up by the fourth respondent in violation of the sanctioned plan at Plot No.B3, T.S.No.5, Ward 'D', Block 23, Cooperative Colony, Gandhi Nagar, Namakkal Town within a stipulated time.

For Petitioner : Mr.Vijaynarayan
Senior Counsel
for M/s.C.Jagadish

For Respondents : Mr.T.N.Rajagopalan
Special Govt. Pleader
for respondents 1 and 2
Mr.P.Srinivas
for 3rd respondent
Mr.P.S.Raman
Senior Counsel
for Mr.A.A.Mohan
for 4th respondent

ORDER

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

The fourth respondent seems to be running a hospital without getting the land use converted and even the construction violates all norms of sanction. The surprising part is various authorities have given permissions and sanctions for purposes of the hospital without even verifying whether there is a valid sanction plan.

2. The fourth respondent has filed a civil suit in the Court at Namakkal, being O.S.No.262 of 2012, a suit not maintainable in view of the order of the Division Bench of this Court in Consumer Action Group v. The State of Tamil Nadu, 2006 (4) CTC 483.

3. The learned Senior Counsel for the fourth respondent, on instructions, states that the suit will be withdrawn forthwith.

4. The learned Senior Counsel also submits that a chance may be given to him to get the land use changed if possible and if he fails to obtain the necessary permission, he will use the construction only for residential use. He submits that the application for the same will be filed within a week. The Government is expected to deal with the application one way or the other within one month of the receipt of the application.

5. Whether such permission is granted or not, in either eventuality, the building will have to be brought within the norms applicable to the property depending on the user permitted. In this behalf also the fourth respondent to take necessary steps to bring the building in conformity with the sanction plan, other than some thing which may be compoundable on payment of money. This exercise be completed within a period of four months from today.

6. The petition, accordingly, stands disposed of. No costs.

List for initial compliance on 6.1.2017.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Director of Town and Country Planning
No.807, Anna Salai
Chennai - 600 002.
2. The Deputy Director
Town and Country Planning
No.6, Sannadhi Street
Subramaniya Nagar
Salem - 5.

+1cc to Mr.C. Jagadish, Advocate, S.R.No.63601
+1cc to Mr.A.A. Mohan, Advocate, S.R.No.64069
+1cc to M/s. Arun C. Mohan, Advocate Sr.No.63682
+1cc to Mr. P. Srinivas, Advocate Sr.No.63600
+1cc to the Government Pleader, S.R.No.63909

ug (CO)
md (12/11/2016)

सत्यमेव जयते

W.P.No.2790 of 2013

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