

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

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

W.P.No.29231 of 2012

Sri Ganapathy Silks Sankarankoil Pvt. Ltd.
rep. by its Authorised Signatory, R.Venkatesan
Son of V.Ramasamy
565-570, Oppanakara Street
Coimbatore - 641 001. .. Petitioner

vs.

1. The Commissioner of Coimbatore
City Municipal Corporation
Coimbatore.
2. The Deputy Director of Town and
Country Planning
Chennai.
3. The Local Planning Authority
rep. by its Member Secretary (Incharge)
Coimbatore. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India
for issuance of a writ of Mandamus directing the 3rd respondent
to process the application of the petitioner dated 24.12.2006,
which has once again been renewed by the petitioner's letter
dated 22.10.2012.

For Petitioner

: Ms.P.T.Asha
for M/s.Sarvabhauman
Associates

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 2 and 3

Mr.J.Sathyanarayana Prasad
for 1st respondent

ORDER

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

The petitioner claims to have submitted a representation on 24.12.2006 for regularization of the fifth floor, which was not sanctioned as per the planning permission. The petitioner claims to have received no response. On 22.10.2012, a reminder is stated to have been sent enclosing all relevant documents. The petitioner in this time never approached the Court, but on receiving the notice dated 6.9.2012 from the third respondent/Local Planning Authority alleging violation of the plan, approached the Court.

2. We find there are two controversies that emerge: (i) Whether at all any application was submitted as alleged by the petitioner, since the benefit of the introduction of Section 113C of the Tamil Nadu Town and Country Planning Act, 1971 has been found to be illusory in the absence of the rules and regulations, and (ii) If such application was submitted, the next question would be was it capable of regularization.

3. We, thus, direct the third respondent to take a decision on the request of the petitioner, after notice to the petitioner and on fresh inspection being caused to verify the current position. This exercise may be completed within three months from the date of receipt of the order and further action would depend on the fate of the decision.

The petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The Commissioner of Coimbatore
City Municipal Corporation
Coimbatore.
2. The Deputy Director of Town and
Country Planning
Chennai.

3. The Member Secretary (Incharge)
Local Planning Authority
Coimbatore.

+1 cc to M/s.Sarvabhauman associates, sr.66520

+1 cc to Mr.J.Sathyanarayana prasad,advocate,sr.66533

+1 ccto Government pleader,sr.66726

rsy(co)
krd 29/11

W.P.No.29231 of 2012



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