

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.3583 of 2016
and
W.M.P.Nos.2952 and 2953 of 2016

M/s.Shree Vigneshwarra Hi-Tech
Promoters Pvt.Ltd., rep. by its
Director D.J.Athithya ...Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.
- 2.The Commissioner and Director,
Directorate of Town and Country
Planning, 807, Anna Salai,
Chennai - 2.
- 3.Member Secretary/Joint Director,
Coimbatore Local Planning Authority,
Coimbatore Market Complex,
Raju Naidu Street,
Coimbatore - 641 124.
- 4.The Commissioner,
Coimbatore City Corporation,
Coimbatore. ...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records in Govt. Letter No.17945/Na.Va4(1)/2013-7 dated 24.03.2015 of the first respondent and previous proceedings in Rc.No.6461/2013/uthiku-3 dated 24.12.2013 on the file of the third respondent and quash the same.

For Petitioner .. Mr.N.S.Nandakumar

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 to R3
Mr.D.Krishnakumar,
Standing Counsel for R4

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Calling in question the legality and validity of the order dated 24 March 2015 passed by the first respondent, viz., the Secretary to Government, Housing and Urban Development Department, in appeal, learned counsel appearing for the petitioner submits that the petitioner had already made rectifications and some more rectifications are required to be carried out to bring the building in question in conformity with the approved plan. It is also stated that the building will be used only for the purpose for which it is approved and not for any other purpose. Hence ten days' time may be granted to remove the unauthorised and deviated portions to bring the building in question in conformity with the approved plan.

3.The learned Special Government Pleader appearing for the State Government as well as the learned Standing Counsel appearing for the fourth respondent/Commissioner, Coimbatore City Corporation submits that after a period of ten days, the third and fourth respondents will cause inspection of the building in question in the presence of the petitioner.

4.In view of the above submission made by the learned Special Government Pleader as well as the learned Standing Counsel for the fourth respondent, it is ordered accordingly.

5.It is made clear that if it is found that the unauthorised and deviated portions have been fully removed, no further action shall be taken by the authorities. In the event of any failure on the part of the petitioner in removal of unauthorised and deviated portions, the authorities are entitled to lock the building in question and take consequential action thereafter.

6.With the aforestated observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub-Assistant Registrar

mmi

To

- 1.The Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.
- 2.The Commissioner and Director,
Directorate of Town and Country
Planning, 807, Anna Salai,
Chennai - 2.
- 3.The Member Secretary/Joint Director,
Coimbatore Local Planning Authority,
Coimbatore Market Complex,
Raju Naidu Street,
Coimbatore - 641 124.
- 4.The Commissioner,
Coimbatore City Corporation,
Coimbatore.

+1 CC to MR.N.S.Nandakumar Advocate. SR.NO. 6468
+1 CC to MR.D.Krishnakumar, Advocate. SR.NO. 6783
+1 CC to Govt.Pleader. SR.NO. 7497

WEB COPY

W.P.No.3583 of 2016

CO-UGI
JD 08/02/2016