

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM

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

W.P. No.9466 of 2016

Rajeshwari Ayyamuthu .. Petitioner

Vs.

1.The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam.

2.V.Sivakumar .. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent herein to consider the petitioner's representation dated 23.01.2016 within a time frame to be fixed by this Court.

For Petitioner .. Mr.M.Naraayanaswamy

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.C.Munusamy for R2

ORDER

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

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

2.Seeking a direction to the first respondent to consider the petitioner's representation dated 23 January 2016, the instant writ petition is filed.

3.It is the case of the petitioner that the second respondent, without proper permission, put up a residential construction on the road earmarked for shops and using the same as a combined block. The petitioner made a representation dated 23 January 2016 for necessary action. Since there was no action on the part of the first respondent, the petitioner is before this Court.

4.Pursuant to our notice, the first respondent has filed an affidavit stating that there was a minor deviation, for which, the second respondent has filed a revised application for approval. The said application has been forwarded to the Deputy Director of Town and Country Planning, Salem on 01 April 2016.

5.Learned Special Government Pleader appearing for the first respondent/Commissioner submits that the revised approval is permissible in case of minor deviation only.

6.Be that as it may, since the process has been initiated and the Commissioner as well as the Deputy Director of Town and Country Planning is seized of the matter, we are not inclined to adjudicate the dispute, leaving it open to the authorities to take action in accordance with law and on its own merits.

7.With the aforesaid observation, the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

To
The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam.

+1 cc to Mr.C.Munusamy Advocate sr.21488
+1 cc to Mr.N.Narayanaswamy Advocate sr.21543

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