



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.11341 of 2016

Dr.D.Silambu Selvi

...Petitioner

Vs

1.The Commissioner,
Tirunelveli City Municipal Corporation,
S.N.High Road, Tirunelveli.

2.The Assistant Commissioner,
Melappalayam Ward Office, Melappalayam,
Tirunelveli.

3.The Member Secretary,
Tirunelveli Local Planning Authorities,
Tirunelveli-2.

4.R.Chandra Nahum

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.8176-15-TP3 dated 15.03.2016 and quash the same and direct the first respondent to permit the petitioner to continue her construction work in survey number 44/4B, Kulavanigar Puram Village, Tirunelveli admeasuring 34 cents based on the petitioner's explanation dated 30.03.2016.

For petitioner : M/s.T.Selvan
For R.1&2 : Mr.Aaiyaram K.Selvakumar
For R.4 : Mr.G.Muthukannan

ORDER

Dr.D.Silambu Selvi, having received the show cause notice on 15.03.2016 from the Commissioner, Tirunelveli Corporation, where the property in question is covered under survey number 44/4B, Kulavanigar Puram Village, Tirunelveli, admeasuring 34 cents, after giving explanation on 30.03.2016, before passing the order passed by the first respondent, has approached this Court on the ground that when the first respondent granted permission to put up construction for four floors including the ground floor, the petitioner stopped the construction apprehending that the respondents may not permit her to take up further construction citing the reason that the petitioner has produced the false documents for obtaining building plan.



2. The impugned order dated 15.03.2016 passed by the first respondent is strenuously attacked by the petitioner stating that a suit in O.S.No.106 of 2015 on the file of the District Munsif Court, is pending between the petitioner and the fourth respondent. Further, in this regard, the reply given by the petitioner dated 23.03.2016 has not been disposed of, by the first respondent so far. Hence, he prayed for quashing of the impugned order.

3. It is not in dispute that after the receipt of the show cause notice dated 15.03.2016 issued by the first respondent, the petitioner has given reply on 25.04.2016, but no order has been passed by the respondents.

4. At this juncture, the learned Government Advocate appearing for the respondents 1 and 2 submitted that as of now, the petitioner has completed only the first floor and if a month time is granted, the first respondent will dispose of the same.

5. In view of the above, the first respondent is directed to consider the reply given by the petitioner, dated 25.04.2016, on merits and in accordance with law and pass a speaking order, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Tirunelveli City Municipal Corporation,
S.N.High Road, Tirunelveli.

2.The Assistant Commissioner,
Melappalayam Ward Office, Melappalayam,
Tirunelveli.

3.The Member Secretary,
Tirunelveli Local Planning Authorities,
Tirunelveli-2.

+1cc to M/s.T.Selvan, Advocate in SR.33301

+1cc to M/s.Aayiram K.Selvakumar, Advocate in SR.33277

W.P(MD).No.11341 of 2016

27.06.2016