



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU  
AND  
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P. (MD) No.20603 of 2016  
and  
W.M.P. (MD) Nos.14733, 14734, 15504 and 15505 of 2016**

S.Pothiraj : Petitioner

Vs.

1.The Director of Town and Country Planning,  
Chennai.

2.The Commissioner,  
Sivakasi Municipal Corporation,  
Sivakasi,  
Virudhunagar District.

3.S.Vijayalakshmi : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.3193/2012/F1, dated 30.09.2016 and quash the same as illegal and without jurisdiction.

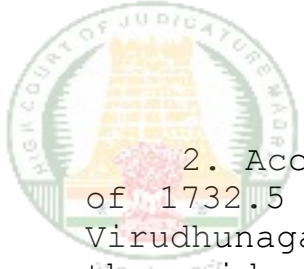
|                     |                                                        |
|---------------------|--------------------------------------------------------|
| For Petitioner      | : Mr.Isaac Mohanlal,<br>Senior Counsel, For Mr.J.Ashok |
| For Respondents 1&2 | : Mr.T.R.Janarthanan,<br>Additional Government Pleader |
| For Respondent No.3 | : Mr..Dilip Kumar                                      |

**ORDER**

\*\*\*\*\*

(Order of the Court was made by **D.KRISHNAKUMAR, J.**)

The petitioner filed the present Writ Petition challenging the notice issued by the second respondent in his proceedings in Na.Ka.No.3193/2012/F1, dated 30.09.2016.



2. According to the petitioner, the property, having an extent of 1732.5 square feet in T.S.No.111, Ward-C, Block-3, Sivakasi, Virudhunagar District, absolutely belongs to the petitioner and in the said plot, he had constructed shops in 2002 and subsequently, in the year 2006, he proposed to construct a second floor in the existing building and applied for additional construction in the existing building before the second respondent. After inspection, the second respondent has granted approval for construction of second floor, vide proceedings in Ka.Ve.No.45/2006/F1, dated 30.03.2006. The third respondent, in order to wreck vengeance, made a petition to the second respondent to demolish the building in question stating that the commercial building has been constructed in the approved residential area and seeking such relief, she filed a Writ Petition in W.P.(MD)No.3256 of 2012 before this Court. Thereafter, the impugned notice was issued on 30.09.2016. Challenging the same, the petitioner is before this Court with the present Writ Petition.

3. The learned counsel for the petitioner would further submit that subsequent to the impugned order, on the representation made by the petitioner, the second respondent issued a notice of hearing on 07.10.2016, calling upon the petitioner to attend the enquiry to be held on 13.10.2016. The petitioner attended the enquiry and submitted a revised plan before the first respondent on 13.10.2016. The said revised plan is now pending before the Director of Town and Country Planning, Chennai. In the meantime, the second respondent is taking steps to implement the impugned order dated 30.09.2016. However, during the time of argument, the petitioner himself seeks to mould the relief and submits that it would be suffice, if a direction is issued to the first respondent to dispose of the said revised plan dated 13.10.2016, which is now pending consideration of the first respondent.

4. Taking into consideration the above said submission and also, in the interest of justice, this Court directs the first respondent, viz., the Director of Town and Country Planning, Chennai, to dispose of the revised plan submitted by the petitioner dated 13.10.2016, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after affording sufficient opportunity to the parties concerned. It is further directed that the official respondents shall keep the impugned notice in abeyance until final order is passed by the first respondent, as indicated above. The petitioner is also directed to furnish a copy of the revised plan dated 13.10.2016 along with a copy of this order to the first respondent forthwith.



5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

/True copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar

To

1.The Director of Town and Country Planning,  
Chennai.

2.The Commissioner,  
Sivakasi Municipal Corporation,  
Sivakasi, Virudhunagar District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.70711

Order made in  
**W.P. (MD) No.20603 of 2016**  
Dated:18.11.2016

**SML**

**SH/DB:08.12.2016:3P/4C**