

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.20266 of 2014

S.Parthiban

Petitioner

Versus

- 1 The Commissioner
Vellore Corporation Vellore.
 - 2 The Member Secretary
Vellore Local Planning Authority
Sathuvachari Vellore.
 - 3 The Executive Officer
Dharapadavedu III Grade
Municipality
Katpadi Taluk Vellore
presently as Zonal Officer
Zonal I Dharapadavedu
Katpadi Taluk Vellore
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 1st respondent in his order bearing Ka.M.No.191/2010-11/Va.Ku.1 dated 21.5.2014 and quash the same.

For petitioner : Mrs.P.T.Asha for
M/s.Sarvabhauman Associates

For Respondents : Mr.B.Silambanan, Senior Counsel for
Ms.P.Shanthi

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mr.B.Silambanan, learned Senior Counsel appearing for the respondents.

2. The writ petition has been filed seeking issuance of a writ of certiorari calling for the records of the 1st respondent in his order bearing Ka.M.No.191/2010-11/Va.Ku.1 dated 21.5.2014 and quash the same.

3. It appears that the subject property was purchased by the petitioner by way of a registered sale deed dated 13.12.2007 and when he started construction based on the building plan approval dated 22.3.2011, granted by the third respondent, the first respondent cancelled the planning permission on 17.11.2013 contending that the house site is earmarked as park, but, however, that order was quashed by this court in W.P.No.3659 of 2014, by its order dated 25.3.2014. Still, after considering the petitioner's objections, the first respondent had, by his order dated 21.5.2014, once again cancelled the building plan permission. Hence, the present writ petition has been filed.

4. Learned counsel appearing for the petitioner submits that the first respondent has done so relying an old layout approval granted in the year 1986 which was lapsed due to non compliance. Therefore, the petitioner shall submit a detailed representation to the authorities seeking clarification as to which plan approval has to be followed, within a period of one week from the date of receipt of a copy of this order and in turn, the respondents shall consider the same and take appropriate decision, within a month thereafter. If the petitioner finds fresh cause of action even thereafter, he can file a fresh writ petition.

5. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

ssk.

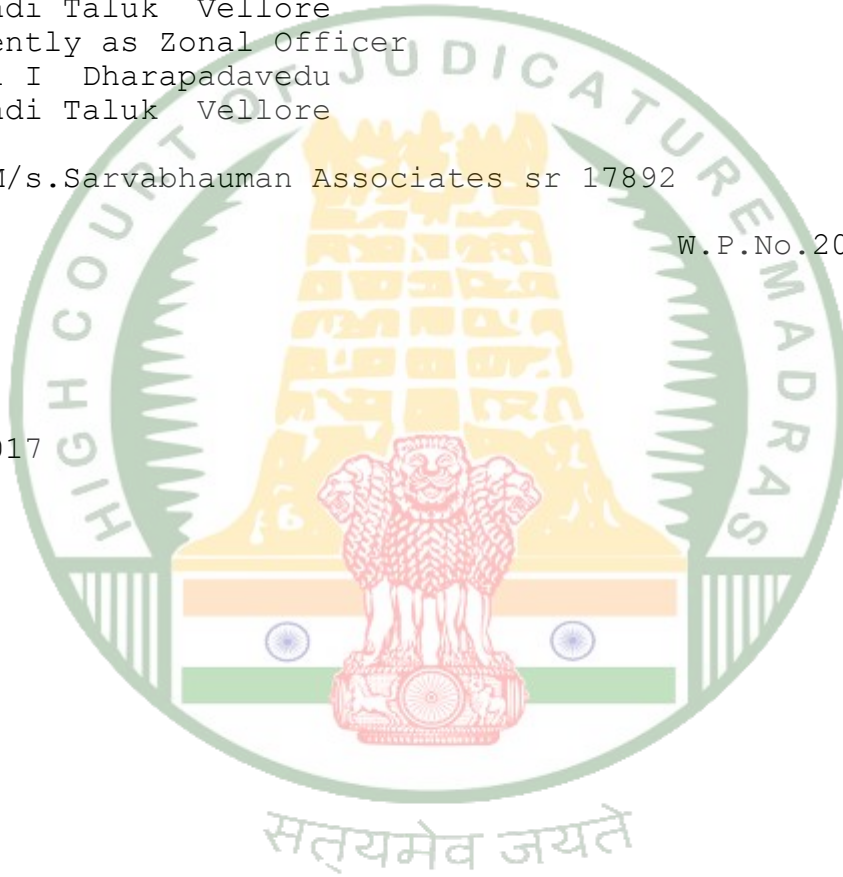
To:

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+1 cc to M/s.Sarvabhauman Associates sr 17892

W.P.No.20266 of 2014

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