

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.1043 of 2017

and

W.M.P.No.1011 of 2017

K.C.Sivakaran,
rep. by his power of attorney
E.K.Shanmugam.

... Petitioner

-Vs-

1. Erode City Municipal Corporation,
rep. by its Commissioner,
Erode.
2. The Town & Country Planning Authority,
rep. by Erode Local Planning Authority,
Tamil Nadu Housing Commercial Complex,
Surampatti Nalu Road, Erode-638 009.

3. Dr.A.S.Senthilvelu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to initiate action against the 3rd respondent in terms of communication sent in Na.Ka.No.E1/1759/2016 dated 21.09.2016 issued by the Public Relation Officer, Erode Municipality and Na.Ka.No.1061/2016 E.U.Thee.Ku-2 dated 17.10.2016 issued by the Public Relation Officer, Erode Local Planning Authority, Erode and to stop further construction in the property more particularly described in the schedule by the 3rd respondent.

SCHEDULE OF PROPERTY

All that piece and parcel of land and semi construction in Door No.410 (Old Door No.751) Brough Road, Erode - 1, Ward C, Block 28 on extent of 3411 sq.ft., with the following boundaries:-

North : Property belonging to K.Chandrasekaran

South : Property belonging to K.Ramasamy

West : Property belonging to Ganesh Bhavan Iyer Petrol Bunk

East : South Ward common passage

For Petitioner : Mr.G.Ethirajulu

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader
for R1 & R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has already taken the remedy of civil suit qua the dispute with his neighbour and thus, we are not inclined to maintain the writ petition.

2. We, however, clarify that this would not in any manner preclude the respondent authorities from taking action in accordance with law, if it is found that respondent No.3 is without planning permission or in breach of the planning permission.

3. The writ petition is dismissed in terms aforesaid. No costs. Consequently, W.M.P.No.1011 of 2017 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

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To

Sub Assistant Registrar

1. The Commissioner,
Erode City Municipal Corporation,
Erode.

2. The Erode Local Planning Authority,
Town & Country Planning Authority,
Tamil Nadu Housing Commercial Complex,
Surampatti Nalu Road, Erode-638 009.

+lcc to Mr.G.Ethirajulu, Advocate, S.R.No.2970

+lcc to the Government Pleader, S.R.No.3282

W.P.No.1043 of 2017

UG(CO)
CA(27/01/2017)