

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4697 of 2017

P.Selvarajan

.. Petitioner

Vs.

1.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region,
Salem.

3.The Commissioner,
Narasingapuram Municipality,
Municipality office,
Narasingapuram - 636 108,
Salem District.

4.P.Jyothi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the 2nd respondent to initiate proceedings against the illegally constructed building of the 4th respondent as per Section 56 and 57 of the Town and Country Planning Act, 1971.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1 and 2

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 1 and 2.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus to direct the 2nd respondent to initiate proceedings against the illegally constructed building of the 4th respondent as per Section 56 and 57 of the Town and Country Planning Act, 1971.

3. Heard the learned counsel for the parties.

4. The petitioner is a social worker and RTI Activist. He alleges that fourth respondent, who is carrying on hotel business, has obtained building permission illegally. Though fourth respondent obtained permission for 1000 Sq. Ft. construction, he put up construction of an extent of 18800 Sq. Ft. RTI information also shows that the fourth respondent has not obtained permission. Petitioner sent series of representations to the respondent. However, no action has been initiated. Hence, the present writ petition has been filed for the relief stated supra.

5. The learned Additional Government Pleader referring to the proceedings dated 28.3.2016 of the Assistant Director, Town and Country Planning Office, Salem Zone, submits that till date no proposal has been received by the said office from the fourth respondent.

6. On hearing the learned counsel for the parties, we direct the respondent/authorities to cause an inspection of the site of the fourth respondent where unauthorized construction is alleged to be put up and take suitable action in accordance with law, after affording an opportunity of hearing to him. The said exercise to be concluded within three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region,
Salem.

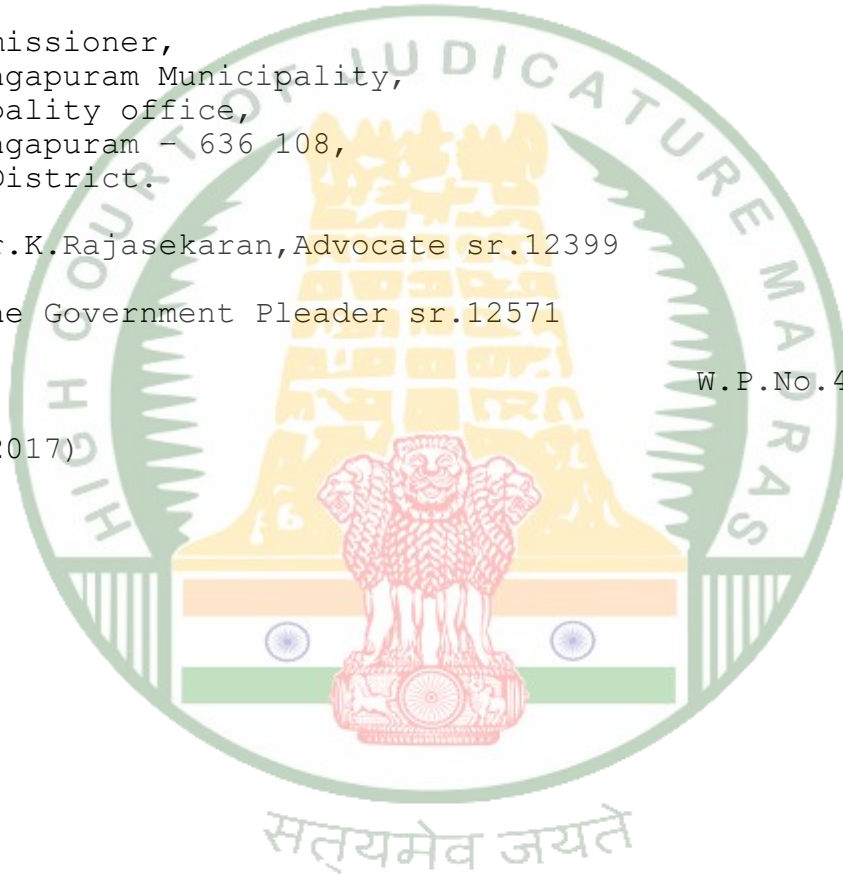
3.The Commissioner,
Narasingapuram Municipality,
Municipality office,
Narasingapuram - 636 108,
Salem District.

+1cc to Mr.K.Rajasekaran,Advocate sr.12399

+1cc to The Government Pleader sr.12571

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ss(13/03/2017)



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