

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.04.2017
CORAM
THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN
W.P.No.7931 of 2017
and
W.M.P.No.8680 of 2017

D.Shanmugam

.. Petitioner

Vs.

1. The Deputy Director,
Office of the Deputy Director,
Town and Country Planning, Part-II
Sathuvachary,
Vellore-9.
2. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai District.
3. K.T.Rajamoorthy
4. R.Thavamani
5. K.M.Nauzad Ali
6. Mohamed Ansar Ali .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 and 2 to lock and seal the premises which has been put up without any approved plan at Door No.107, comprised in T.S.No.1618/1 measuring an extent of 4067 sq. ft. situated at Big Street, Tiruvannamalai illegal construction by 3 to 6 respondents.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for M/s.AL.Gandhimathi

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

ORDER

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

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

3. The petitioner has filed the writ petition seeking for a writ of mandamus directing the respondents 1 and 2 to lock and seal the premises which has been illegally put up by respondents 3 to 6 without any approved plan at Door No.107, comprised in T.S.No.1618/1 measuring an extent of 4067 sq. ft. situated at Big Street, Tiruvannamalai.

4. It is the case of the petitioner that respondents 3 to 6 are putting up constructions for commercial use without any approval from the competent authority. Though stop work notice was issued to respondents 3 to 6, they are continuing the construction work. It is the further case of the petitioner that the second respondent informed the petitioner that respondents 3 to 6 have filed an appeal to the Government. Since respondents 3 to 6 are continuing the construction activities, the petitioner has filed the present writ petition seeking the relief stated supra.

5. The learned Senior Counsel appearing for the petitioner states that inspite of stop work notice issued by respondents 1 and 2, respondents 3 to 6 are proceeding with the construction without an approval from the competent authority and the constructions are being put up in a mutt property under the guise of an alleged lease agreement and respondents 3 to 6 are grabbing the property of the mutt. The learned Senior Counsel submits that respondents 1 and 2 are not taking any steps to stop the constructions.

6. Pursuant to the order passed in W.P.No.37766 of 2016 dated 01.11.2016, the respondent authorities inspected the property in question and issued a stop work notice. However, assailing the same, respondents 3 to 6 preferred an appeal before the Secretary to Government and the same is pending as on date. The plea of the petitioner is that respondents 3 to 6 are proceeding with the further construction pending the appeal.

7. Since it is the specific plea of the petitioner that

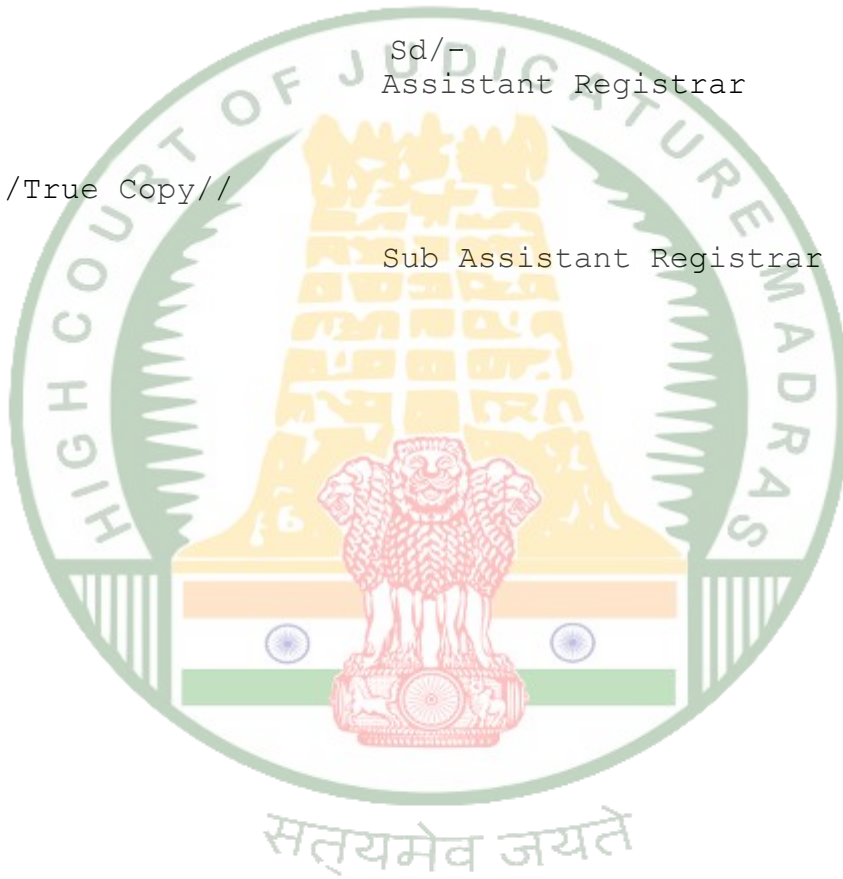
respondents 3 to 6 are proceeding with the construction despite stop work notice issued by the respondent authorities under the guise of pending appeal, we direct respondents 1 and 2 to inform respondents 3 to 6 not to proceed with the construction pending the appeal and maintain status quo as on date. If respondents 3 to 6 succeed in the appeal, they would be at liberty to put up further construction.

8. With the aforesaid observation and direction, the writ petition is disposed of. No costs. Consequently, W.M.P.No.8680 of 2017 is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar



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To:

1. The Deputy Director,
Office of the Deputy Director,
Town and Country Planning, Part-II
Sathuvachary,
Vellore-9.
2. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai District.

ss(CO)
md(12/04/2017)

W.P.No.7931 of 2017



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