

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.25860/2017 and W.M.P.No.27298/2017

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 Zonal Director,
Directorate of Town and Country Planning
Salem Region, 6, Sannathi Street,
Subramaniya Nagar, Suramangalam,
Salem 636 005.

3 The Commissioner
Attur Municipality
Attur-636102, Salem District.

4 K.Mani

5 Dhanalakshmi

सत्यमेव जयते

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Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the 3rd respondent herein to comply the order dated 26.07.2017 made in Na.Ka.No.2533/2017 passed by the 2nd respondent and Ka.Ve.No.99/2013/F1 dated 18.04.2017 based on the petitioner representation dated 20.02.2017 passed by the 3rd respondent.

For Petitioner : Mr.A.Rajakumar
For RR 1 to 3 : Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition itself is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The grievance expressed by the petitioner is that the 3rd respondent / Municipality has accorded permission to the respondents 4 and 5 for construction of ground and first floor and in violation and deviation of the same, they have put up an additional construction and also deviated from the sanctioned plan and it was also brought to the knowledge of the 3rd respondent and the 3rd respondent has issued notice under Section 205 (1) and (2) of the Tamil Nadu District Municipalities Act, 1920 to the respondents 4 and 5 pointing out the deviation and unauthorised construction and calling upon them to set it right and it was also followed by a notice under Form-I dated 26.07.2017 issued under section 85 read with sections 56 and 57 of the Tamilnadu Country Planning Act 1971.

3 The grievance expressed by the petitioner is that thereafter no progress is taking place and the respondents 4 and 5 are carrying on commercial activities in the said building and therefore, prays for appropriate orders.

4 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the respondents 4 and 5 on notice and thereafter proceed further in accordance with law, in terms of Form-I notice dated 26.06.2017 issued in Na.Ka.No.2533/2017, issued under section 85 read with sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and the respondents 3 to 5.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP
To

- 1 The Commissioner
Directorate of Town and Country
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- 2 The Zonal Director,
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Salem Region, 6, Sannathi Street,
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Salem 636 005.
- 3 The Commissioner
Attur Municipality
Attur-636102, Salem District.

+1 cc to M/s.A.Rajakumar Advocate sr 71160
+1 cc to the Government Pleader sr 71394

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