IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.26669/2017 & WMP.No.28400/2017

P.Marimuthu .. Petitioner

Versus

1.The Commissioner of Municipal Administration
Municipal Administration Department
Ezhilagam Annex, 6th Floor, Chepauk,
Chennai 600 005.

2.The Zonal Director
Directorate of Town and Country Planning
Salem Region, 5 Sannathi Street,
Salem District, Tamil Nadu 636 005.

3.The Commissioner
Attur Municipality, Municipality Office
Attur, Salem District.

4.Dr.P.Govindaraj .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 2nd and 3rd respondents herein to comply

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the order passed dated 06.09.2015 made in APK.No.40/16/F1 passed by the 3rd respondent based on the petitioner representation dated 30.01.2017 and reminder representation dated 10.04.2017, 16.05.2017, 05.07.2017 and 01.06.2017.

For Petitioner	:	Mr.A.Rajakumar
For R1	:	Mrs.M.E.Rani Selvam, AGP
For R3	:	Mr.A.S.Thambusamy
For R4	:	Mr.Srinivasamurthy for M/s.Row & Reddy

ORDER

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

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be a resident of Narasingapuram, Attur Taluk, Salem District and according to him, the 4th respondent who is a doctor, is the owner of the Sundaram Multi Speciality Hospital consisting of 5 floors situate in Ward No.9, Old S.No.467/4B, new TS.No.35/1B & 35/1C Town Ward No.D, Block No.9 and according to him, in utter disregard and violation of the sanctioned plan, the 4th respondent has put up a huge building

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consisting of five floors and though sanction has been accorded to put up Ground + 2 Floors, consisting of partially residential and partially commercial.

3 The learned counsel for the petitioner would submit that the 4th respondent, on an earlier occasion, had approached this Court by filing WP.No.23746/2017, challenging the notice of the Deputy Director of the Town and Country Planning, Salem dated 11.08.2017 and the said writ petition was dismissed as withdrawn on 20.09.2017 and the petitioner therein / 4th respondent herein was granted liberty to submit his response to the said notice and thereafter, work out his remedy in accordance with law and accordingly, the 4th respondent herein has submitted an application dated 24.08.2017, seeking regularisation of the deviation pointed out by the official respondents and the matter is being dealt with by the Deputy Director of Town and Country Planning, who also has issued a notice dated 13.09.2017, to which the 4th respondent has also submitted his response on 15.09.2017 and therefore, prays for appropriate orders to demolish the offending construction put up by the 4th respondent.

4 Mr.A.S.Thambusamy, learned Standing counsel for the 3rd respondent / Municipality would submit that the application submitted by the

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4th respondent is pending with the 2nd respondent and depending upon the result of the same, further action will be taken against the offending construction put up by the 4th respondent.

5 The learned counsel appearing for the 4th respondent would submit that to regularise the deviated construction put up by the 4th respondent, an application dated 24.08.2017 was submitted before the Deputy Director of Town and Country Planning, Salem-5 and it is pending.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 In the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, this Court directs the 2nd respondent, to consider and dispose of the 4th respondent's application dated 24.08.2017 seeking for regularisation, if the papers are otherwise in order and give a disposal in accordance with law as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the 4th respondent as well as to the petitioner herein.

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

[MSNJ] [SPIJ]
11.12.2017

Internet : Yes

AP

To

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M.SATHYANARAYANAN, J.,
AND
SATRUGHANA PUJAHARI, J.

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