

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16755 of 2017 and WMP No.18198 of 2017

S.K.Meignanamoorthy

Petitioner

Vs

1. The Deputy Director of Town & Country Planning,
Corporation Commercial Complex, 2nd Floor,
Dr.Nanjappa Salai,
Coimbatore - 18

2. The Commissioner,
Udumalaipet Municipality,
Udumalpet

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the 1st respondent to consider the application for regularization dated 10.04.2017 submitted by the petitioner in respect of the building in T.S.No.119, 120, 121, 122, 123/2, 127 & 128 Block-9, Ward-B of udimalaipet Municipality.

For Petitioner : Mr.M.Sivavarthan

For Respondents : Mrs.Vasudha Thiagarajan,
Additional Government Pleader
for R1
Mrs.A.S.Thambusamy for R2

ORDER

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

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

2 The 2nd respondent has issued a notice dated 19.06.2017 in Na.Ka.No.516/2016/F1 under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, stating that the superstructure housing commercial establishment is located very close to National Highways and it is in violation of Section 11(2) of the Building Rules and as per Rule 13 of the Public Building Act. It is further stated in the said notice that under Rule 13 of Public Building Act, no partly place is

provided and under Section 14 of the very same Rule, no fire extinguisher equipment have been provided and however, called upon the petitioner to submit the documents such as Planning permission, plan / sketch, documents evidencing sanction and possession certificate issued by the Fire and Rescue Services Authority and Building Stability within seven days from the copy of this notice and also indicated that, failing which, further action will be taken.

3 The learned counsel appearing for the petitioner would submit that the petitioner, in response to the same, has submitted his representation enclosing only some of the documents required by the 2nd respondent and therefore, prays for expeditious disposal of his representation in accordance with law.

4 Heard the submissions of Mr.A.Thambusamy, learned counsel who accepts notice on behalf of the 2nd respondent.

5 This Court has considered his rival submission and also perused the materials placed before it.

6 Though the prayer sought for by the petitioner is to direct the 1st respondent to consider his application for regularization dated 10.04.2017, it has not been enclosed as a document in the typed set of papers and however, produced the online receipt certificate for having submitted the said application.

7 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 contents of the application submitted by the petitioner to the 1st respondent as well as to the averments made in the Writ Petition, directs the 1st respondent to take online application dated 10.04.2017, if the papers or otherwise in order and give a disposal in accordance with law, as expeditiously as possible.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sk/rka

To

1. The Deputy Director of Town & Country Planning,
Corporation Commercial Complex, 2nd Floor,
Dr.Nanjappa Salai,
Coimbatore - 18
2. The Commissioner,
Udumalaipet Municipality,
Udumalpet.

+1 CC to Mr.M.Sivavarthanan, Advocate sr 46295

+1 CC to Govt. Pleader sr 46585

WP.No.16755 of 2017

NM(CO)
sp(29/07/2017)



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