

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.4226 of 2011

and

M.P.No.1 of 2011

1.Mohammed Shafi
2.Mohammed Anees

.. Petitioners

Vs.

1.The Commissioner,
Salem Municipal Corporation,
Salem Town,
Salem-636 001.

2.The Member Secretary,
Local Planning Authority,
Subramania Nagar-1st Gate,
Salem-5.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records in respect of the impugned order dated 15.02.2011 in Na.Ka.2147/10 SEUTHIKU passed by the second respondent herein and quash the same.

For Petitioners .. Mr.R.Nalliappan

For Respondents .. Mr.G.Sankaran for R1
...Mr.P.Chinnadurai for R2.

ORDER

The petitioners have approached this Court seeking the following relief:

" To issue a writ of certiorari to call for the records in respect of the impugned order dated 15.02.2011 in Na.Ka.2147/10 SEUTHIKU passed by the second respondent herein and quash the same".

2.The case of the petitioners is as follows:

The petitioners are the owners of the property situate at S.F.No.16/1A1A3B at Meyyanoor Village in Salem Town to the

extent of 21.37 sq.mts. They had applied for building plan approval before the first respondent herein to put up a construction in the said property. The first respondent by his proceedings dated 01.02.2010 granted approval and sanctioned the plan as 20/2010 and 22/2010. As per the conditions of the approval, the construction was put up by the petitioners. However, while completing the construction, certain minor deviations had taken place. In the aforesaid circumstances, having noticed the deviations from the sanctioned plan, the second respondent issued notice to the petitioners on 10.12.2010 and 10.01.2011 under Sections 56 & 57 of the Town and Country Planning Act 1971 directing the petitioners to restore the building as per the original plan approval. At this, the petitioners had submitted to the authorities concerned, a revised plan for approval as the extension of the construction put up by them became necessary for the use of the building. According to the petitioners, the revised plan approval is pending consideration before the second respondent.

3.While matter stood thus, the second respondent issued a notice dated 15.02.2011 under Sections 56 & 57 of the Town and Country Planning Act directing to seal the building put up by the petitioners. Aggrieved by the notice, the petitioners are before this Court challenging the same.

4.When the matter is taken up for hearing, the learned counsel for the petitioners would submit that the revised plan approval is still pending consideration before the second respondent and the second respondent may be directed to dispose of the revised plan approval within the time frame fixed by this Court.

5.Upon notice, Mr.G.Sankaran, the learned counsel entered appearance for the first respondent and Mr.P.Chinnadurai, learned counsel entered appearance for the second respondent. The learned counsel would submit that some time frame may be fixed for dispose of the revised plan approval by the second respondent and they also submit that a copy of the revised plan approval may also be submitted to the second respondent for taking action in the matter.

6. In view of the above submissions of the learned counsel, this Court dispose of the writ petition by directing the second respondent to dispose of the revised plan seeking approval of the plan submitted by the petitioners under the provisions of the Town and Country Planning Act. The petitioners are directed to submit revised plan approval application to the second respondent to take further action in the matter. The second respondent is directed to pass final orders on the revised plan approval within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Salem Municipal Corporation,
Salem Town,
Salem-636 001.

2.The Member Secretary,
Local Planning Authority,
Subramania Nagar-1st Gate,
Salem-5.

+1 cc to Mr.P.Chainnadurai Advocate sr 73877

+1 cc to Mr.R.Nalliyappan Advocate sr 73924

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