

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM

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

W.P.No.28658/2017 & W.M.P.No.30841/2017

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, Subramaniaya Nagar,
Suramangalam,
Salem-363 005.

3 The Commissioner,
Attur Municipality,
Municipality Officer,
Attur-636 102,
Salem District.

4 S.A.Basha

5 B.Rasia Begam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the 2nd and 3rd respondents herrein consider the petitioner representation dated 03.01.2017, 30.04.2017, 26.08.2017 to take appropriate action for demolition of the huge unauthorized construction of the 4th & 5th respondent premised which is situated in old No.335/1,2 & 336 New D.No.815, 817 & 819 Ranipet Main Road, Attur Municipality and Town, Salem District.

For Petitioner : Mr.A.Rajakumar
For R1 & R2 : Mr.M.Digvijay Pandian, AGP
For R3 : Mrs.K.Bhuvaneswari, GA

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned Government Advocate accepts notice on behalf of the 3rd respondent.

2 The petitioner would state that he is a resident of Attur Town and Taluk, Salem District and the respondents 4 and 5 are the absolute owners of the four floors of commercial building which is situated in old No.335/1,2 & 336, New D.No.815, 817 & 819, Ranipet Main Road, Attur Municipality and Town, Salem District and they originally applied for

planning permission bearing No.16/2007 for construction of new terrace commercial building with ground and first floors to the extent of 2737 sq.ft., and however, in utter violation and total deviation of the planning permission, they have also put up additional constructions and in this regard, the petitioner has submitted representations dated 03.01.2017 and 30.04.2017 respectively. It is further stated that the Deputy Director (i/c), Directorate of Town and Country Planning, Salem Region has sent a communication dated 18.05.2017 in Na.Ka.No.1249/2017 sema-3, to the third respondent to inform the petitioner about the action taken on his representations.

3 The learned counsel for the petitioner would submit that though the said communication was sent as early as on 18.05.2017, the 3d respondent is yet to take any kind of action and in this regard, the petitioner has also submitted yet another representation dated 26.08.2017 and though it was received and acknowledged, so far no action has been taken and hence, the petitioner came forward to file the present writ petition.

4 Attention of this court was also invited to page No.19 of the typed set which contains the photograph of the alleged offending construction.

5 The Court heard the submission of the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned standing counsel appearing for the 3rd respondent who would submit that necessary direction and advice would be given to the third respondent to comply with the communication of the Deputy Director [in-charge], Directorate of Town and Country Planning, Salem, dated 18.05.2017.

6 In the light of the above facts and circumstances, though the petitioner prays for a larger relief, this Court directs the third respondent to put the respondents 4 and 5 on notice, and thereafter act on the communication of the Deputy Director [in-charge], Directorate of Town and Country Planning, Salem dated 18.05.2017 and pass orders on merits in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5.

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

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

rpl

To

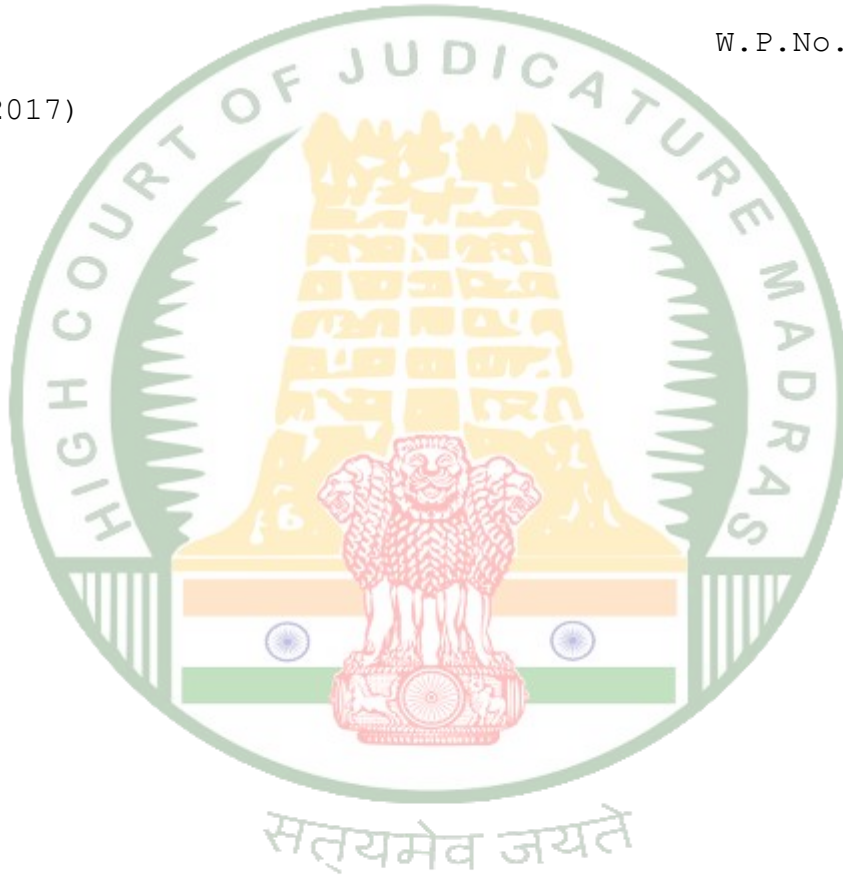
- 1 The Commissioner,
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Suramangalam,
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- 3 The Commissioner,
Attur Municipality,
Municipality Officer,
Attur-636 102,
Salem District.

4.The Deputy Director [in-charge],
Directorate of Town and Country Planning,
Salem Region, No.6, Sannadhi Street,
Subramania Nagar, Sooramangalam, Salem 636005.

+1 CC to Mr.A. Rajakumar, advocate sr 79369.
+1 CC to Mrs.K.Bhuvaneswari, advocate sr 79875.
+1 CC to Govt. Pleader sr 79925

W.P.No.28658/2017

SP(04/12/2017)



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