

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.9438 of 2011

Impact International Trust
rep. by its Trustee, P.David Prince
No.1, Naicken Palayam,
Peria Naicken Palayam (Post)
Coimbatore - 641 026.

... Petitioner

Vs

1. The Member Secretary
Office of the Member Secretary
Coimbatore Local Planning Authority
Corporation Shopping Complex
Sivanandha Colony, Tatabad
Coimbatore - 12.

2. The President
Perianaickenpalayam Panchayat
Perianaickenpalayam.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the proceedings in letter No.1896/2008/LPA-3, dated 25.03.2011 on the file of the Member Secretary, Office of Member Secretary, Coimbatore Local Planning Authority, Corporation Shopping Complex, Sivanandha Colony, Tatabad, Coimbatore-12, 1st Respondent herein, and quash the same.

For Petitioner

: Mr.AR.L.Sundaresan
Senior Counsel
for Mr.AL.Gandhimathi

For Respondents

: Mr.T.N.Rajagopalan
Special Government Pleader
for 1st respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has impugned the notice, though appealable, on the ground that it was predicated on a factually incorrect plea of there being no planning permission while, in fact, planning permission had been granted.

2. No counter affidavit was filed for the last five years and when the matter was taken up on 5.12.2016, we granted last opportunity to file the counter affidavit by calling upon the learned Special Government Pleader to enter appearance as none was appearing for the respondents. Despite this, the respondents in a callous manner have not still placed the counter affidavit on record nor are any instructions forthcoming to the learned Special Government Pleader.

3. The learned Special Government Pleader took us through the documents to show that the planning permission was granted for farm houses while a college was made to function. This position is disputed by the learned Senior Counsel for the petitioner on instructions, though he admits that it is not being used as farm houses.

4. Further difficulty is the passage of time of five years and thus, it is agreed that a fresh inspection be caused to be made of the property of the petitioner within fifteen days of the receipt of the order to verify whether there are any building or user violations and if it is so, the petitioner will be put to notice of the same in accordance with law to remedy the position, failing which necessary action in accordance with law would be taken by the respondents.

The petition, accordingly, stands disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Member Secretary
Office of the Member Secretary
Coimbatore Local Planning Authority
Corporation Shopping Complex
Sivanandha Colony, Tatabad
Coimbatore - 12.

2. The President
Perianaickenpalayam Panchayat
Perianaickenpalayam.

+1cc to the Government Pleader, S.R.No.808

W.P.No.9438 of 2011

RJ(CO)
CA(10/01/2017)



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