



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

WMP(MD) No.14931 of 2017
IN
WP(MD) No.3824 of 2017

M/S.SHRI RATHNA AKSHAYA ESTATE (P) LTD.,
REP. BY ITS GENERAL MANAGER,
NO.241, AVADI - POONTHAMALLI ROAD,
KADUVETTI VEERARAGAVAPURAM,
CHENNAI - 600 077.

... PETITIONER/4th RESPONDENT

Vs

1 L.G.SARATH INIGO

...RESPONDENT/PETITIONER

2 THE DISTRICT COLLECTOR
COLLECTORATE, KOKIRAKULLAM,
TIRUNELVELI - 627 009.

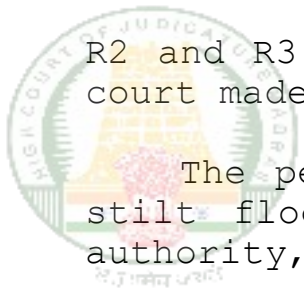
3 THE LOCAL PLANNING AUTHORITY
TIRUNELVELI,
REP. BY ITS MEMBER SECRETARY,
NO.108, TRIVANDRAM ROAD,
TIRUNELVELI - 627 002.

4 THE COMMISSIONR
TIRUNELVELI CITY MUNICIPAL CORPORATION,
S.N.HIGH ROAD,
TIRUNELVELI - 627 001.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner herein to do business in the stilt floor as per the revised plan which has already been approved by the competent authorities in proceedings Na.Ka.No.13432/2017/CB, dated 22.09.2017.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.V.RAMANUJAM, Senior Counsel for M/S.P.SUBBIAH, Advocate for the petitioner and of MR.J.ASHOK, Advocate for R1 and of MR.M.MURUGAN, Government Advocate for



R2 and R3 and of MR.AAYIRAM K.SELVAKUMAR, Advocate for R4 the court made the following order:-

The petitioner seeks permission to do the business in the stilt floor, as per revised plan approved by the competent authority, dated 22.09.2017.

2. Heard Mr.T.V.Ramanujan, learned Senior counsel for the petitioner, Mr.J.Ashok, learned counsel for the 1st respondent, Mr.C.Selvaraj, learned Special Government Pleader for the respondents 2 and 3 and Mr.Aayiram Selvakumar, learned Standing counsel for the 4th respondent and perused the materials available on record.

3. It was alleged that the petitioner herein in contravention of the sanctioned plan, has converted the car parking area into a jewellery shop.

4. This court, having found that the petitioner had illegally converted the car parking area into a show-room, by order, dated 12.07.2017 directed the official respondents to seal the stilt floor. The compliance of the order was reported on the same day at 2.15 p.m.

5. On 02.08.2017, when the case was taken up for further hearing, this court directed the respondents Local Planning Authority and the Commissioner of Tirunelveli City Municipal Corporation to permit the petitioner herein to remove the textile materials as well as jewellery from the premises, which is under lock and key.

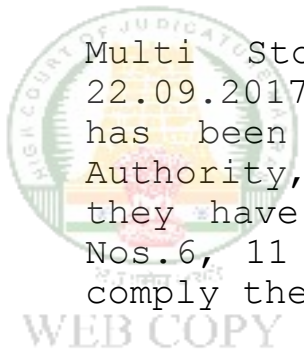
6. Again on 21.09.2017, this court passed the following orders:-

"Learned counsel for the 4th respondent submits that the revised plan is likely to be got approval.

The learned Special Government Pleader would submit that decision already made and it requires a formal approval.

Considering the above, the interim order already passed is clarified to the effect, if the approval is obtained, there is no predicament for the 4th respondent to run the business as per the approval plan."

<https://hcservices.ecourts.gov.in/hcservices/>
7. The learned Senior counsel appearing for the petitioner would submit that the revised plan has been approved by the



Multi Storeyed Building [in short "MSB"] Committee on 22.09.2017 with certain conditions and accordingly, the same has been sent to the Member Secretary, Local Planning Authority, Tirunelveli. It is the case of the petitioner that they have complied all the conditions, except the condition Nos.6, 11 and 14 and the petitioner had already taken steps to comply the conditions, but it will take sometime.

8.It is further contended by the learned Senior counsel that the petitioner was already running the business in six other floors, but in view of the fact that the jewellery shop, which was run in the stilt floor has been locked and sealed, the petitioner was not able to do the jewellery business for the past two months, despite the fact that the petitioner had purchased the jewels worth about several Crores, out of the Bank loan and credit from the suppliers and hence, the petitioner can be permitted to do business only for this Deepavali and thereafter, the petitioner undertakes to continue the business after compliance of the conditions imposed in the revised approval plan.

9.Per contra, the learned counsels for the respondents contended that only a technical approval plan has been given with certain conditions and unless all the conditions were complied with and the plan is approved, the petitioner is not entitled to do business in the stilt floor.

10.It is not in dispute that the revised plan of the petitioner has been approved by the MSB Committee on 22.09.2009 and in the revised plan, the the petitioner is permitted to do business in the place in dispute.

11.Taking into consideration of the above facts and in order to meet the ends of justice, the petitioner is permitted to do the jewellery business in the stilt floor till 25.10.2017 and thereafter, after compliance of the conditions stipulated in the revised approval plan and an approval given by the LPA, the petitioner shall do business in the disputed area.

12.It is made clear that any untoward incident takes place, the petitioner would be solely responsible and liable for the same. Further, if there is any violation of this order, the official respondents are at liberty to take appropriate action against the petitioner herein in accordance with law.

sd/-

12/10/2017

/ TRUE COPY /



TO

1 THE DISTRICT COLLECTOR
COLLECTORATE, KOKIRAKULLAM,
TIRUNELVELI - 627 009.

2 THE LOCAL PLANNING AUTHORITY
TIRUNELVELI,
REP. BY ITS MEMBER SECRETARY,
NO.108, TRIVANDRAM ROAD,
TIRUNELVELI - 627 002.

3 THE COMMISSIONER
TIRUNELVELI CITY MUNICIPAL CORPORATION,
S.N.HIGH ROAD,
TIRUNELVELI - 627 001.

+1. C.C. to M/S.P.SUBBIAH Advocate SR.No.32606

GJM/RR/BS/SAR-4-13.10.17-4P-5C

ORDER
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IN
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Date :12/10/2017