

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.22911 of 2017

P.Gunavathi

.. Petitioner

Vs.

1.The Commissioner,
Municipal Office,
Udumalpet, 642 126.

2.The Assistant Director,
Town and Country Planning,
Corporation Commercial Complex,
Dr.Nanjappa Road, Coimbatore.

3.The Director,
Directorate of Town and Country Planning,
Head Office No.807, Anna Salai,
Chennai - 600 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to accord permission to construct a Kalyanamandapam at S.F.No.256, Patta No.120, Survey Ward-A, Block No.3, T.S.No.3/1A5 PART, Udumalpet Municipality, Thirupur District, by considering the petitioner's application dated 04.02.2016 and the petitioner's last representation dated 02.03.2017 within a stipulated time.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.B.Anand

Government Advocate

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O R D E R

Heard Mr.A.Sivaji, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to accord permission to construct Kalyanamandapam, by considering the petitioner's

application dated 04.02.2016.

3. The petitioner would claim that the land measuring to an extent of 16000 sq.ft situated in S.F.No.256, Patta No.120 in T.S.No.3/1A5 PART, Udumalpet Municipality, belonged to her and she submitted an application on 04.12.2016, seeking planning permit and also paid Rs.1,68,900/- towards permission for construction and planning approval. But subsequently, no favourable reply was forthcoming. Hence, the present Writ Petition.

4. The learned Government Advocate for the respondents submitted that the second respondent had returned the application of the petitioner on 24.10.2017 for want of further particulars and documents. Subsequently, the petitioner has not re-presented the application for necessary action and if, the petitioner re-presents the application with the requisite documents and particulars, the first respondent would again forward the application to the second respondent for approval.

5. The learned counsel for the petitioner submitted that the petitioner is ready to re-submit the application within a period of one week.

6. Considering the nature of prayer sought for in the Writ Petition and the submissions of the learned counsel on either side, this Court directs the petitioner to re-submit the application along with all necessary documents and particulars within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall forward the application to the second respondent forthwith, who shall take appropriate decision on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Commissioner,
Municipal Office,
Udumalpet, 642 126.

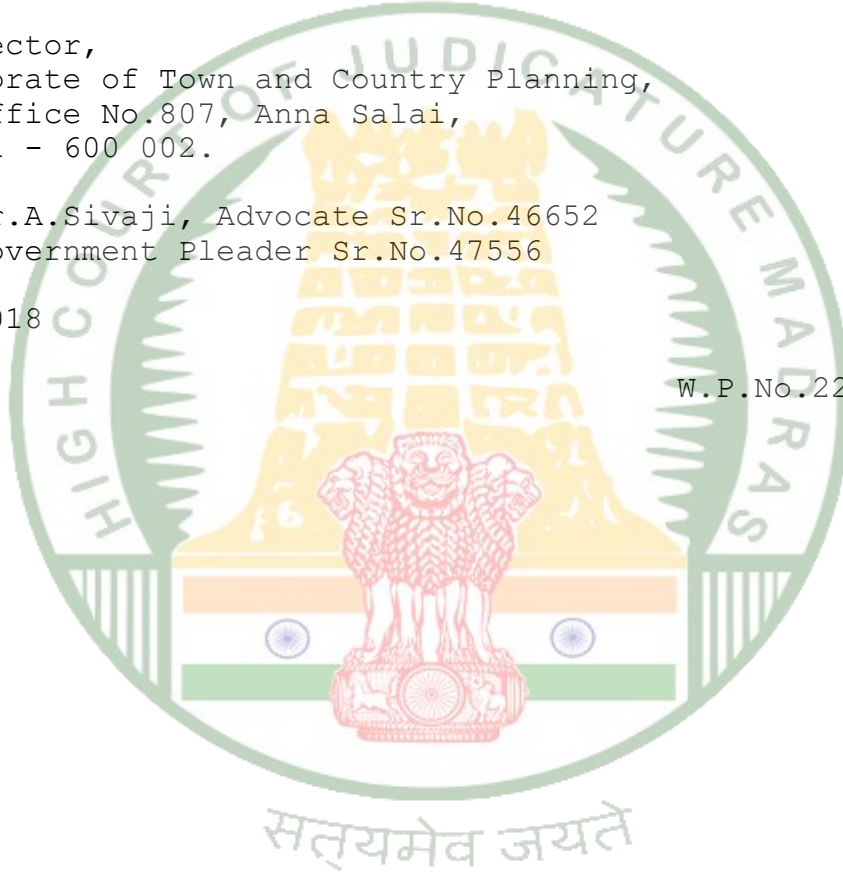
2.The Assistant Director,
Town and Country Planning,
Corporation Commercial Complex,
Dr.Nanjappa Road, Coimbatore.

3.The Director,
Directorate of Town and Country Planning,
Head Office No.807, Anna Salai,
Chennai - 600 002.

+lcc to Mr.A.Sivaji, Advocate Sr.No.46652
+lcc to Government Pleader Sr.No.47556

sm:25.7.2018

W.P.No.22911 of 2017



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