

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 6079 of 2013

&

M.P. 1 of 2013

R.Madheswaran

... Petitioner

Vs

The Commissioner,
Namakkal Municipality,
Namakkal.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order of the respondent made in Na.Ka.No.1375/2013/G, dated 21.02.2013 and to quash the same.

For Petitioner : M/s.L.Chandrakumar
For Respondents : Mr.P.Srinivas

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.P.Srinivas, learned counsel for Respondent.

2. The present Writ Petition has been filed challenging the show cause notice issued by the respondent Municipality for removal of alleged unauthorised construction put up by the petitioner.

3. According to the petitioner, he is the proprietor of one V.V.R.Thirumana Mandapam and he has purchased the same in the year 1988. The said Kalyanamandapam was constructed by the vendor after obtaining necessary permission from the concerned authorities. Now, all of a sudden, the respondent Municipality issued a show cause notice on the ground that the Kalyanamandapam has been put up unauthorisedly.

4. Mr.L.Chandrakumar, learned counsel appearing for the petitioner would submit that already due approval has been obtained from concerned authorities and the petitioner is also

having necessary certificates issued by the other authorities for running the marriage hall, he has also filed an application dated 06.03.2012 before the Tahsildar under the Madras Public Buildings Act, which is pending. That being the position, without considering all those things, a show cause notice has been issued.

5. The respondent Municipality has filed a counter affidavit stating that the Kalyanamandapam has been constructed in a Primary Residential Zone without obtaining any approval from the authorities. Since the public have lodged complaints regarding the functioning of the kalyanamandapam, a show cause notice has been issued.

6. I have heard Mr.L.Chandrakumar, learned Counsel for petitioner and Mr.P.Srinivas, learned Counsel for Respondent. This Court has considered the rival submissions and also perused the materials placed before me.

7. Considering the facts that the Writ Petition has been filed challenging the show cause notice issued by the respondent Municipality, without going into the merits of the case, the petitioner is directed to approach the respondent Municipality and file his objections along with all relevant and necessary documents available with him to establish his claim within a period of three weeks from the date of receipt of a copy of this order, and on filing such objections, the respondent-Municipality is directed to consider the same on merits and pass suitable orders within a period of six weeks thereafter. Till the final orders are passed by the respondent-Municipality, the respondent is directed not to take any coercive action against the petitioner.

8. With the above direction, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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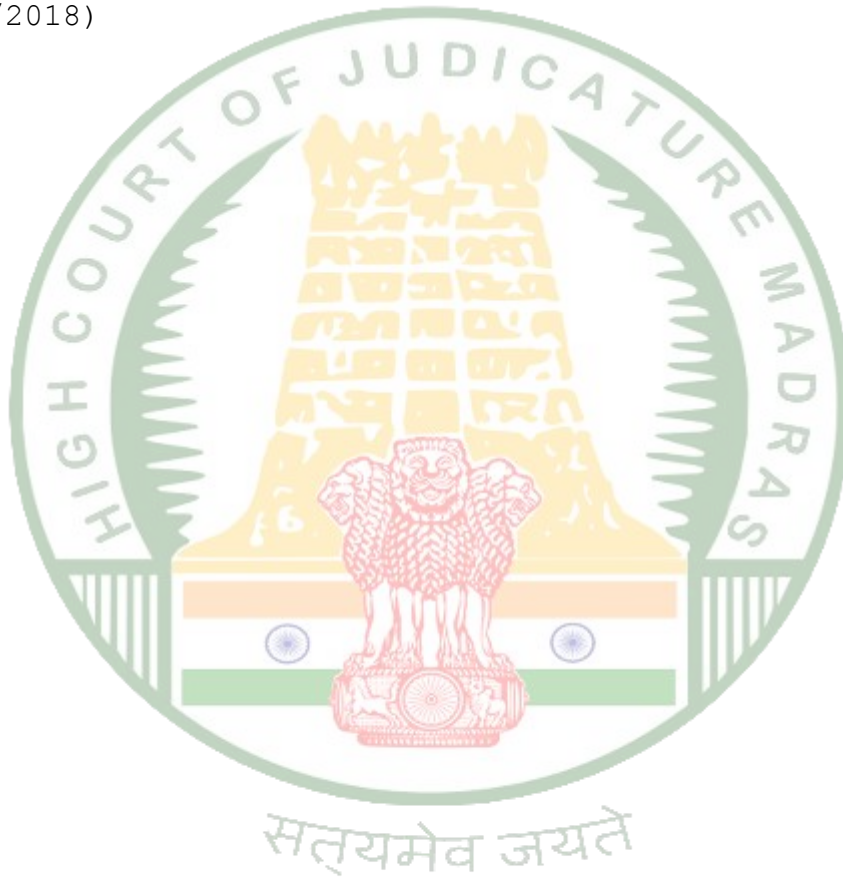
The Commissioner,
Namakkal Municipality,
Namakkal.

+1cc to Mr.S.Chandrakumar, Advocate, S.R.No.55453

+1cc to Mr.P.Srinivas, Advocate, S.R.No.55604

W.P.6079 of 2013
and
W.M.P. 1 of 2013

SSV(CO)
GSP(07/09/2018)



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