

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2018
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12885/2018 & WMP.No.15132/2018

Shanthi

..Petitioner

Versus

The Municipal Commissioner
Tiruvallur Municipality
Tiruvallur.

.. Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records pertaining to the impugned notice of the respondent in AK.No.20/2018/F1 dated 15.05.2018 and quash the same.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.P.Srinivas

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Srinivas, learned Standing counsel appears on behalf of the sole respondent.

2 The petitioner claims to be the owner of the property bearing Plot No.97, S.No.439/1 and 3, MGM Nagar, Tiruvallur District, admeasuring to an extent of 1680 sq.ft., and it was purchased through a registered Sale Deed bearing Document No.1978/2003 dated 07.04.2003, registered on the file of the office of the Sub Registrar, Tiruvallur. The petitioner had applied for the Planning Permission and it was also accorded vide Planning Permit No.136/2003 dated 10.07.2003 and it was also duly approved by the respondent through his proceedings in KM.No.139/2003 dated 10.07.2003. It is further averred by the petitioner that her husband Thiru.K.Govardhanan, who was working as a Steno-Typist in the office of the Superintendent of Police, Tiruvallur, had obtained housing loan and a superstructure was put up by utilising the said loan and it is the specific case of the petitioner that the building has been put up strictly in accordance with the sanctioned plan and it is also averred by the petitioner that to her shock and surprise, she was issued with the impugned communication dated 15.05.2018 by the respondent u/s.216[1&2], 316 and 317 of the Tamil Nadu

District Municipalities Act, alleging that she has put up an unauthorised superstructure for residential purpose and challenging the same, the petitioner came forward to file the present writ petition.

3 Mr.C.K.M.Appaji, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that admittedly, the building / planning permission has been accorded to the petitioner and her husband, had obtained prior permission and also availed the housing loan and utilising the same, a superstructure has been put up strictly in accordance with the sanctioned plan and without causing any inspection, the respondent took an unilateral decision and came to the conclusion that the superstructure is unauthorised and prays for interference.

4 Per contra, Mr.P.Srinivas, learned Standing counsel appearing for the respondent would submit that action has been taken strictly in accordance with law and as such, the grievance expressed by the petitioner is wholly unfounded and prays for dismissal of the writ petition.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation by enclosing relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and the respondent, upon receipt of the same, shall entertain such representation, afford an opportunity of personal hearing to the petitioner or to her authorised representative and thereafter, consider and dispose of the said representation on merits and in accordance with law within a further period of eight weeks thereafter and till such time, shall defer further decision in terms of the impugned notice dated 15.05.2018.

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

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

AP

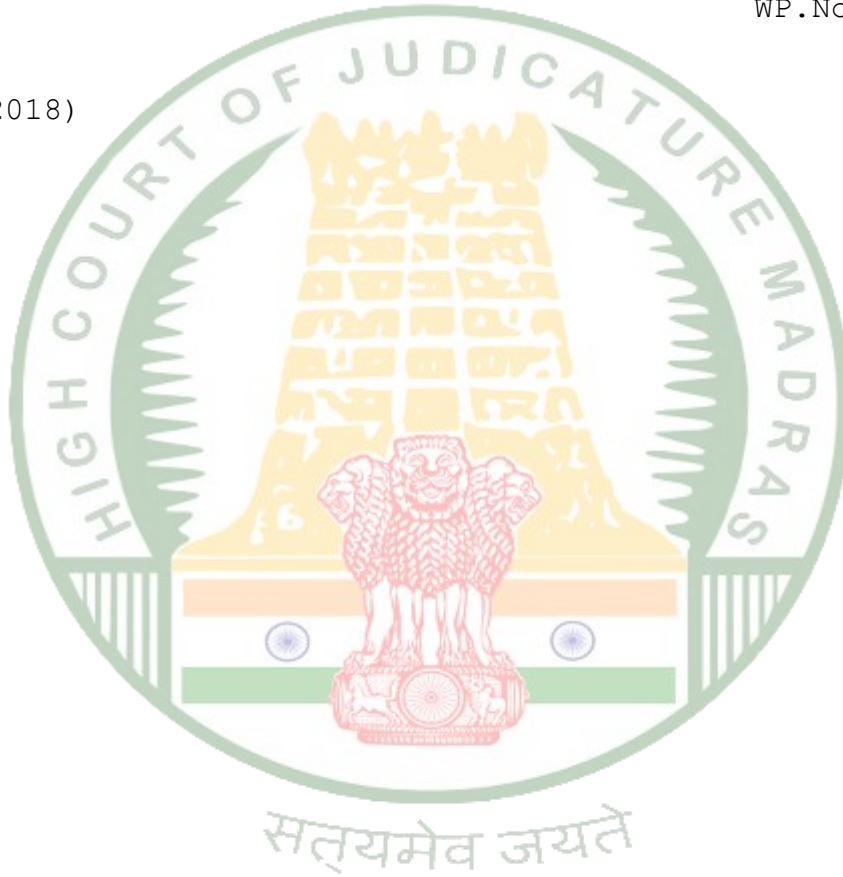
To

The Municipal Commissioner
Tiruvallur Municipality
Tiruvallur.

+1 CC to Mr.C.K.M.Appaji, Advocate sr 35453

WP.No.12885/2018

RJ(CO)
SP(05/07/2018)



WEB COPY