

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM :

THE HONOURABLE DR.JUSTICE VINEET KOTHARI  
AND  
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.14754 of 2018  
and  
W.M.P.Nos.17434 & 17435 of 2018

P.Marimuthu

...Petitioner

.Vs.

- 1 The Commissioner  
Directorate of Town and Country Planning  
Chengalvarayan Building  
4th Floor 807 Anna Salai  
Chennai - 600 002
- 2 The Deputy Director  
Directorate of Town and Country Planning  
Salem Region 6 Sannathi Street  
Subramania Nagar  
Sooramangalam Salem - 636 005
- 3 The Commissioner  
Narasingapuram Municipality  
Municipality Office  
Narasingapuram - 636 108
- 4 Executive Engineer  
(Operation & Maintenance)  
TANGEDCO Attur Town  
Salem district - 636 102
- 5 Palaniappan
- 6 The Secretary to Government of Tamil Nadu  
Housing and Urban Development Department  
Chennai 600 009.  
(R6-Impleaded as per  
order dated 18.6.2018)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 3rd respondent to demolish the illegal structures put up by the 5th respondent in the premises at Door No. 79, 79A, 79B, 79C, Salem Main Road, Narasinghapuram Post, Attur Taluk - 636 108 Salem District and restore the building to its Original Building plan dated 4.9.2013.

For petitioner : Mr.Gokulkrishnan

For RR1, 2 & 6 : Mr.Jayaprakash Narayanan,  
Government Pleader (Incharge)

For R3 : Mr.A.N.Thambidurai,  
Special Government Pleader

For R4 : Mr.S.K.Rameshwar

For R5 : Mr.T.Murugamanickam,  
Senior Counsel for Mr.V.Rajesh

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Learned Government Pleader (Incharge) has placed before us a copy of the communication dated 17.12.2018 passed by the Additional Secretary (Technical) of the Housing and Urban Development, Chennai by which, it is directed that the Lock and Seal of the Building in question put up by Respondent No.5 is continued till the Appellant/Respondent No.5, Mr.Palaniappan obtains proper approval from the Competent Authority for the construction in the site under reference, a copy of the same has been endorsed to the present petitioner/complainant also.

2. Para 12 of the said communication also reveals that the said Respondent No.5, Palaniappan has made a fresh Application for Approval of the construction in question, which is yet to be examined and appropriate orders on the application are yet to be passed.

3. In view of the above, we feel that the present petition complaining against the said construction deserves to be closed at this stage, with a direction to Respondent No.2, the Authority concerned to process and finalize the Application for approval filed by Respondent No.5 in accordance with law within a period of three months from today.

4. With the above observation, the writ petition is disposed of. No order as to costs. The connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To

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Housing and Urban Development  
Department  
Chennai 600 009.

+1cc to Mr.V.Rajesh, Advocate, S.R.No.88293  
+1cc to The Govt Pleader, S.R.No.88977,88912.

W.P.No.14754 of 2018

sj(co)  
kak(09/01/2019)