

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.24586 of 2018
and
W.M.P.No.28617 of 2018

G.Rajkumar

... Petitioner

vs.

1. The Commissioner/Director,
Town and Country Planning Department,
Chengalvarayanaicker Building 3rd & 4th Floor,
Anna Salai, LIC Opposite, Chennai - 600 002.
2. The Zonal Deputy Director,
Town and Country Planning Department,
No.6, Sannathi Street, Subramania Nagar,
Suramangalam, Salem - 5.
3. The Executive Officer,
S.Valapadi Town Panchayat,
O/o.S.Valapadi Town Panchayat,
Thammampatti Main Road,
S.Valapadi & Post & Taluk, Salem District.

4. Thillaikarasi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 28.07.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For R1 to R3 : Mr.J.Pothiraj,
Special Government Pleader

For R4 : Mr.Vivekanandan

ORDER

(Order of the court was made by K.K.SASIDHARAN,J.)

The petitioner filed this writ petition alleging that in total violation of the approved plan, the fourth respondent constructed a building without providing parking space.

2. The petitioner, in the affidavit filed in support of the Writ Petition, alleged that the fourth respondent obtained planning permission from the third respondent and without leaving any space for car parking and open space, she started the construction. Though series of representations were given to the third respondent, follow up action was not taken against the offending construction. The petitioner, therefore, invoked the equity jurisdiction of this court to direct the third respondent to take action against the construction putting up by the fourth respondent.

3. The second respondent filed a counter affidavit indicating that the plan was approved by the third respondent and in case of any violation, action has to be taken only by the said authority.

4. The third respondent filed a counter affidavit wherein it was contended that there is a deviation in the right side setback and ground and first floor area. According to the third respondent, action would be taken against the construction taking into account the deviation made.

5. Even though the name of the counsel for the fourth respondent is printed in the cause list, none appears on her behalf.

6. The counter affidavit filed by the third respondent indicates that the fourth respondent constructed a building in deviation of the approved plan. It is for the third respondent to inspect the building once again and take appropriate action, in case it is not in conformity with the planning permission given to the fourth respondent.

7. We direct the third respondent to take up follow up action by considering the representation submitted by the petitioner and in the light of the averments found in the counter affidavit filed on 9.10.2018, with notice to the fourth respondent. Such exercise shall be completed within four months from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk

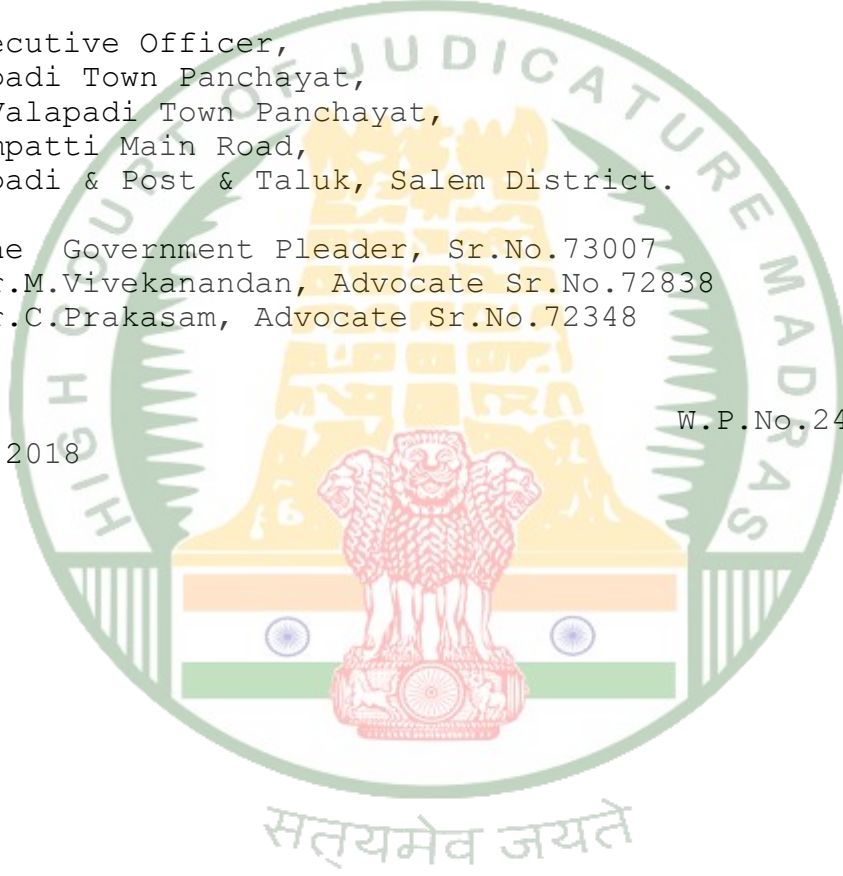
To:

1. The Commissioner/Director,
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O/o.S.Valapadi Town Panchayat,
Thammampatti Main Road,
S.Valapadi & Post & Taluk, Salem District.

+1cc to The Government Pleader, Sr.No.73007
+1cc to Mr.M.Vivekanandan, Advocate Sr.No.72838
+1cc to Mr.C.Prakasam, Advocate Sr.No.72348

CSL/12.11.2018

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