

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.25584 of 2016

B.Sivaraj

...Petitioner

Versus

1. The Secretary to the Government,
Housing and Urban Development Department,
Government of Tamilnadu,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
3. The Member Secretary (incharge)
Coimbatore Local Planning Authority,
Sivananda Colony, Coimbatore -12.
4. The Commissioner,
Corporation of Chennai,
Coimbatore.

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the 4th respondent to issue the necessary road width certificate as required by the 2nd respondent within a short period.

For Petitioner : M/s.T.V.Vineeth Kumar
For RR1 & 2 : Mr.S.Diwakar, Spl.G.P.
For R3 : Mr.V.Jayaprakash Narayanan
For R4 : Mr.J.Sathya Narayana Prasad

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O R D E R

The petitioner has come up with the Writ Petition for the issuance of writ of mandamus directing the 4th respondent to issue necessary road width certificate as required by the 2nd respondent within a time frame.

2. The case of the petitioner is that he is the absolute owner of the property to an extent of 55.1 cents comprised in Survey No.5/1, Ward 26, Block No.7 of Villankuruchi Village in

Coimbatore District, vide sale deed dated 31.01.1990. The petitioner would claim that the above said land was originally classified as industrial land, presently, the area has become urbanised and there is no industrial unit around this land. So the petitioner decided to develop the property by constructing residential house. The petitioner has applied with the 3rd respondent to get the plan approval, who intturn has forwarded the application to the 4th respondent seeking details of the proposed 60 feet road, according to the Coimbatore development plan.

3. The learned counsel for the petitioner submitted that though the petitioner has made the application on 02.04.2014 for approving the plan, the application is not yet disposed of, hence, this writ petition.

4. The learned counsel for the 4th respondent submitted that the 3rd respondent has sent a letter dated 01.07.2014 to the 4th respondent seeking certain particulars. However, so far, there is no representation from the petitioner and if representation is given, the same will be considered in accordance with law.

5. Taking note of the facts of the case and in the light of the above submissions, this Court without going into the merits of the case, directs the petitioner to give fresh representation to the 4th respondent within a period of two weeks from the date of receipt of a copy of this order, enclosing the copy of this order. On such compliance, the 4th respondent shall consider the petitioner's representation and pass orders on merits and in accordance with law after providing opportunity to the necessary parties with six weeks therefrom.

6. With the above observation and direction, the Writ Petition is disposed of. No Costs.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-V)

//True Copy//

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Sub Assistant Registrar

pvs
To

1. The Secretary to the Government,
Housing and Urban Development Department,
Government of Tamilnadu,
Fort St. George, Secretariat,
Chennai - 600 009.

- +1cc to Mr.T.V.Vineeth Kumar Advocate, S.R.No. 250
+1cc to Mr.J.Sathya Narayana Prasad, Advocate, S.R.No. 53
+1cc to Mr.V.Jayaprakash Narayanan Advocate, S.R.No. 186
+1cc to the Government Pleader, S.R.No. 22

ev (CO)
TR (03/01/2018)

