

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5891 of 2019

M.Dhanarajan

...Petitioner

Vs.

The Commissioner
Thiruverkadu Municipality
Thiruverkadu
Thiruvallur District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 22.01.2019 for furnishing approval copy during the period commencing from 07.06.2011 to 18.11.2011.

For Petitioner : Mr.V.Nithiyanandam

For Respondent : Mr.R.Mohandoss

O R D E R

The petitioner seeks for a mandamus directing the respondent to consider his representation dated 22.01.2019, wherein and whereby, he sought for furnishing approval copy granted by the respondent-Municipality to the construction companies for constructing Warehouses.

2. It is seen that the petitioner approached this Court earlier and filed a writ petition in WP.No.17451 of 2017 seeking for mandamus directing the very same Municipality to consider his representation dated 02.11.2016 to initiate action against the said two construction companies. The said writ petition was dismissed as withdrawn on 05.12.2018 with liberty to the petitioner to file a writ petition challenging the approval of the first respondent granted to the respondents 3 & 4 viz., the said two construction companies, contrary to G.O.Ms.No.234, Housing and Urban Development Department dated 30.10.2012 and G.O.Ms.No.235, Housing and Urban Development Department dated 30.12.2012. Therefore, the petitioner seeks for furnishing copy of the approval through his representation dated 22.01.2019. As the said request has not been considered by the respondent, the present writ petition is filed.

3. The learned counsel for the respondent-Municipality vehemently opposed that the petitioner is not entitled to get the copy of the said approval from the respondent-Municipality as he has to work out his remedy by approaching the Government, which passed the above two G.O.s.

4. I failed to understand as to how the learned counsel for the respondent-Municipality is entitled to make his submission as stated supra, contrary to the order passed by the Division Bench of this Court in WP.No.17451 of 2017 dated 05.12.2018, granting liberty to the petitioner to challenge the approval of the respondent-Municipality. Therefore, it is the duty of the respondent-Municipality to furnish a copy of the approval to the petitioner forthwith, without making any further delay. Accordingly, this writ petition is disposed of, by directing the respondent to furnish the copy of the approval as sought for by the petitioner, within a period of 7 days from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mk

To
The Commissioner
Thiruverkadu Municipality
Thiruverkadu
Thiruvallur District.

+1cc to Mr.R.Mohandoss , Advocate SR.No. 22210

+1cc to Mr. V.Nithiyanandam, Advocate SR.No. 22395

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A.SK(27/04/2019)

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