

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.7406 of 2013 and

W.M.M.P.No.1 of 2013

P.Paneerselvam

.. Petitioner

Vs.

1. The Deputy Director,
Town and Country Planning Authority,
6, Sannathi Street, Subramani Nagar,
Salem - 636 007.

2. The District Collector,
Erode District, Erode - 638 011.

3. The Commissioner,
Erode City Municipal Corporation,
Erode - 638 001.

4. Dr.A.Balachandran

5. Dr.Vanathi Sethupathi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 1 to 3 to take action against the respondents 4 & 5 and forbear them from running a hospital in Plot No.H-18A and H-18B, New Ward No.41, Re-Survey Ward B, Block No.27, New T.S.No.3 (Part), which is just opposite to the petitioner's house in D.No.M-7, 17th Street, Periyar Nagar West, Erode - 9 which has been notified as Residential area in the master plan by considering the petitioner's representation dated 18.06.2012.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate (R1 & R2)

Mr.M.Rajamathivanan (R3)

Mr.R.G.Narendhiran (R4 & R5)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 to 3 to take action against the respondents 4 & 5 and forbear them from running a hospital in Plot No.H-18A and H-18B, New Ward No.41, Re-Survey Ward B, Block No.27, New T.S.No.3 (Part), which is just opposite to the petitioner's house in D.No.M-7, 17th Street, Periyar Nagar West, Erode, which has been notified as Residential area in the master plan by considering the petitioner's representation dated 18.06.2012.

2.When the matter is taken up for hearing, Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.R.G.Narendhiran, learned counsel appearing for the respondents 4 & 5 submitted that the private respondents had entered into a compromise dated 26.08.2019, whereby among other terms, the petitioner also agreed to withdraw the Writ Petition. The learned counsel for the petitioner also produced the Memorandum of Compromise dated 26.08.2019, which is signed by the petitioner, the respondents 4 & 5 and their respective learned counsel. The learned counsel for the petitioner also submitted that the Writ Petition may be disposed of in terms of the Memorandum of Compromise.

3.In view of the submissions made by the learned counsel on either side, the Memorandum of Compromise dated 26.08.2019 is taken on record and the Writ Petition is disposed of in terms of the said compromise memo. However, we make it clear that in the event of any violation, it is open to the respondents 1 to 3 to initiate action in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

(*) Copy of the Memo of Compromise is enclosed herewith

Sd/-

Assistant Registrar(CS III)

//True Copy//

va

Sub Assistant Registrar

To

1. The Deputy Director,
Town and Country Planning Authority,
6, Sannathi Street, Subramani Nagar,
Salem - 636 007.

2. The District Collector,
Erode District, Erode - 638 011.

3. The Commissioner,
Erode City Municipal Corporation,
Erode - 638 001.

+1 cc to M/s.N.Manokaran, Advocate, S.R.No.72946

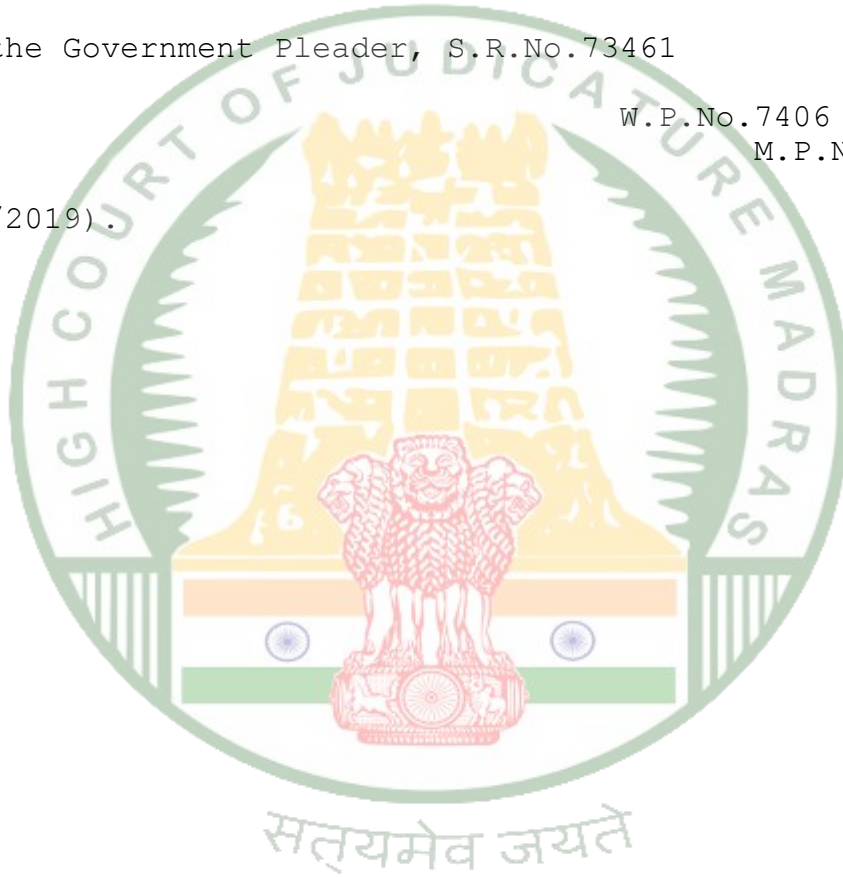
+1 cc to M/s.R.G.Narendhiran, Advocate, S.R.No.72932

+1 cc to M/s.M.Rajamathivanan, Advocate, S.R.No.72629

+1 cc to the Government Pleader, S.R.No.73461

W.P.No.7406 of 2013 and
M.P.No.1 of 2013

RR(CO)
SSM(16/09/2019).



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