

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.26488 of 2016

M/s.Vijay Traders,
Rep. by its Partner, Mr.D.Mahalingam,
No.737/165-C, Kamarajanar Road,
Attur - 636 102,
Salem District. Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Municipal Administration &
Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Attur Municipality, Salem District.
3. The Indian Oil Corporation Ltd.,
Salem Divisional Office,
Kondalampatty Bypass,
Salem District.
4. The Diocesan Property Officer,
CSI Diocesan Council,
No.256, Race Course,
Coimbatore - 641 018.
5. The Assistant Property Manager,
Coimbatore Diocese,
Missionary Bungalow,
Varanda Room, CSI Schools Compound,
Attur, Salem District.
6. The Deputy Director,
Town and Country Planning,
Salem Zone, Salem,
Salem District.

... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to

direct the 6th respondent to pass orders on the application submitted on 05.07.2016 through the 2nd respondent and approve the plan submitted for renovation of the building in S.F.No.471/4, Patta No.7490, Ward-D, Block No.28, T.S.No.23, Door No.737/165-C, Kamarajanar Main Road, Attur Municipality, Attur Taluk, Salem District in Ground Floor.

For Petitioner : M/s.M.MD.Ibrahim Ali

For R1 and R6 : Mr.N.Inbanathan
Additional Government Pleader

For R2 : Mr.V.Jayaprakash Narayanan
Government Pleader (I/c)

For R3 : Mr.Mohammed Fayaz Ali

For R4 and R5 : Ms.R.Suvithra

O R D E R

The instant Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the 6th respondent to pass orders on the application submitted on 05.07.2016 through the 2nd respondent and approve the plan submitted for renovation of the building in Ground Floor in S.F.No.471/4, Patta No.7490, Ward-D, Block No.28, T.S.No.23, Door No.737/165-C, Kamarajanar Main Road, Attur Municipality, Attur Taluk, Salem District.

2. According to the petitioner, he is a Dealer in Petrol and Diesel in the name and style of Vijay Traders under the 3rd respondent and has been running the business from 1968. The petitioner is the Lessee under the 4th respondent with respect to the vacant land situated in the above-mentioned property and paying monthly rents regularly. The petitioner submits that the earlier plan has been sanctioned in the year 1968 and the present plan is only for renovation of the same, particularly, the office premises as per specifications of the Indian Oil Corporation for running the Petrol Bunk. Therefore, there cannot be any violation of the Rules and regulations of the Municipality. He further submits that the 2nd respondent has rejected the plan without assigning any proper reason and therefore, the revised plan has been submitted to the 6th respondent on 05.07.2016 for renovation of the office, but, the 6th respondent has not passed any order till date. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the 6th respondent/Deputy Director, Town and Country Planning, Salem Zone, Salem District, to consider the petitioner's application dated 05.07.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Attur Municipality, Salem District.
3. The Indian Oil Corporation Ltd.,
Salem Divisional Office,
Kondalampatty Bypass, Salem District.

+1 cc to M/s.Mohamed Fayaz Ali, Advocate Sr.No.24352

+1 cc to The Government Pleader, Sr.No.24744

CSL/23.04.2019

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