

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.21270 of 2018 and
W.M.P.No.24939 of 2018

J. Daniel Jesudass .. Petitioner

Vs.

1. The District Collector
Collectorate, Hozur Road
Coimbatore - 18.

2. The Member Secretary
Local Planning Authority
Corporation Commercial Complex
Sivananda Colony
Coimbatore - 641 012

3. The Executive Officer
Vellalore Spl. Grade Town Panchayat
Vellalore,
Coimbatore - 641 111

4. S. Dennison .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 3 to take action for demolishing the unauthorized constructions put up by the 4th respondent in S.F.Nos.548/1A and 548/2B, L.G. Nagar Phase II, Vellalore, Madukkarai Taluk, Coimbatore District, in violation of the building plan approval granted by the 3rd respondent, by considering the petitioner's representations dated 29.04.2014, 12.01.2015 and 19.06.2018.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Jayaprakash Naryanan
Government Pleader (i/c) - for R1 to R3

Mr. S.D.S. Philip - for R4

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action for demolishing the unauthorized constructions put up by the 4th respondent in S.F.Nos.548/1A and 548/2B, L.G. Nagar Phase II, Vellalore, Madukkarai Taluk, Coimbatore District, in violation of the building plan approval granted by the 3rd respondent, by considering the petitioner's representations dated 29.04.2014, 12.01.2015 and 19.06.2018.

2. The 3rd respondent-Executive Officer has filed a counter, wherein it has been stated that the 3rd respondent had given approval only for constructing Ground Floor measuring an extent of 1986 sq.ft. for commercial purpose and First Floor measuring an extent of 1986 sq.ft. for residential purpose. Further, the 3rd respondent is empowered to give approval only to a limited extent, i.e., upto Ground and First Floor.

3. This Court, in W.P.No.14166 of 2015, by order dated 06.05.2015, directed the 2nd respondent to provide reasonable opportunity to the writ petitioner herein, within a period of six weeks and pass orders, in accordance with law.

4. As per the orders of this Court, the writ petitioner should have re-submitted the application with necessary documents called for by the 2nd respondent in his letter dated 09.04.2015. Since the petitioner has not re-submitted the application so far, it is needless to say that the official respondents are at liberty to proceed further in accordance with law.

The Writ Petition is disposed of with the above observations. No costs. Consequently, the connected Miscellaneous Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The District Collector
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Coimbatore - 18.

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3. The Executive Officer
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Vellalore
Coimbatore - 641 111

+2ccs to Mr.S.D.S.Philip, Advocate, S.R.No.22563

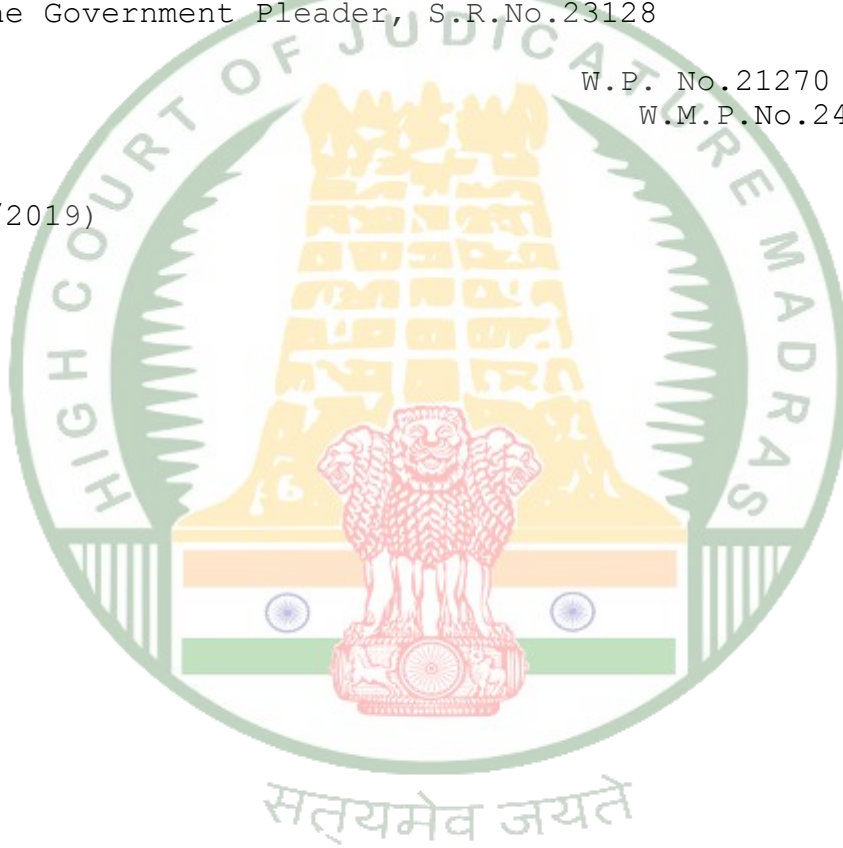
+1cc to Mr.N.Manokaran, Advocate, S.R.No.22863

+1cc to the Government Pleader, S.R.No.23128

W.P. No.21270 of 2018 and
W.M.P.No.24939 of 2018

VD(CO)

RRS (04/04/2019)



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