

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31677 of 2016
in W.M.P.No.27486 of 2016

K.Mariappan

... Petitioner

--Vs--

1. The Collector,
Chairman, Single Window Clearance Committee,
Salem District, Salem 636 001.
 2. The Commissioner of Corporation,
Salem District, Salem 636 001.
 3. The Assistant Commissioner,
Kondalampatti Zonal Office,
Tadagapatti,
Salem 636 006
- Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.M11/386/2015 dated 30.06.2015 on the file of the third respondent and quash the same as illegal, arbitrary and contrary to law and direct the third respondent to issue the planning permission to the petitioner relating to the property bearing No.148/1A3 part and 163/3 part in Y Ward Block No.15 SF 32 Part and 34/2 Part, Thadagapatti Village, Kondalam Patti Division, Salem City Municipal Corporation.

For Petitioner : Mr.A.Thiagarajan, Senior Counsel
for Mr.S.Rameshkumar

For Respondents 1 & 3 : Mr.N.Inbanathan
Additional Government Pleader

For Respondent 2 : Mr.S.Diwakar

O R D E R

The petitioner has filed the above Writ Petition seeking to issue a Writ of certiorarified mandamus calling for the records of the third respondent in Na.Ka.No.M11/386/2015 dated 30.06.2015 and quash the same and consequently direct the third respondent to issue planning permission to him relating to the property bearing No.148/1A3 part and 163/3 part in Y Ward Block No.15 SF 32 Part and 34/2 Part, Thadagapatti Village, Kondalam Patti Division, Salem City Municipal Corporation.

2. The petitioner is a lessee with the Salem City Municipal Corporation and the property in question was classified as an industrial zone. On 21.12.2012, the petitioner had given an application to the Member Secretary, Salem Local Planning Authority seeking permission for the establishment of an industry under the provisions of Town and Country Planning Act and permission was also granted to construct and establish a stainless steel spare parts industry. In the mean while, the third respondent-The Assistant Commissioner had issued a notice to the petitioner calling upon the petitioner to pay the vacant land tax. The petitioner had entered into a Memorandum of Understanding dated 08.08.2015 with the Government of Tamil Nadu and he has been waiting for production activities as per G.O.Ms.No.49 dated 25.11.2015. According to the petitioner, the third respondent had proceeded against the petitioner/lessee instead of proceeding against the land owners and therefore, he is before this Court.

3. It is now stated by the learned counsel for the petitioner that the vacant land tax to the tune of Rs.2,23,810/- was paid by the petitioner.

4. Since the amount had already been paid, challenge to the same in this Writ Petition has become infructuous. Accordingly, the Writ Petition is dismissed as infructuous. No costs. It is open to the petitioner to recover the amount from the respondents in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Collector,
Chairman, Single Window Clearance Committee,
Salem District, Salem 636 001.
2. The Commissioner of Corporation,
Salem District, Salem 636 001.
3. The Assistant Commissioner,
Kondalampatti Zonal Office,
Tadagapatti,
Salem 636 006

+1 cc to M/s.S.Rameshkumar, Advocate, S.R.No.21336

+1 cc to the Government Pleader, S.R.No.22042

RR(CO)
SSM(15/04/2019) .

W.P.No.31677 of 2016 in
W.M.P.No.27486 of 2016



WEB COPY