

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.17274 of 2018

P.Marimuthu

.. Petitioner

Vs.

1.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region,
6, Sannathi Street, Subramania Nagar,
Sooramangalam, Salem.

3.The Commissioner,
Attur Municipality,
Municipality Office, Attur,
Salem District.

4.R.Mallika

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 2 & 3 to initiate proceedings against the illegally constructed building of the 4th respondent in Survey No.467/2, 3, 2A, 4B, 7B, Ward D Block 7, 9 T.S.No.4/2B, 35/2, Salem-Cuddalore Main Road, Udayarpalayam, Attur as per Sections 56 & 57 of the Town and Country Planning Act, 1971 and restore the building as per the building plan approval F.No.68/6 dated 16.09.2016 granted by the 3rd respondent.

For Petitioner : Mr.K.Rajasekaran

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate (R1 & R2)
Mr.A.Thambusamy (R3)
Mr.Ganesan.OLV
for M/s.Ganesh & Ganesh (R4)

O R D E R

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents 2 & 3 to initiate proceedings against the illegally constructed building of the 4th respondent in Survey No.467/2, 3, 2A, 4B, 7B, Ward D Block 7, 9 T.S.No.4/2B, 35/2, Salem-Cuddalore Main Road, Udayarpalayam, Attur as per Sections 56 & 57 of the Town and Country Planning Act, 1971 and restore the building as per the building plan approval dated 16.09.2016 granted by the 3rd respondent.

2.The learned counsel for the petitioner submitted that the 4th respondent has filed an appeal dated 20.05.2019 before the 2nd respondent and the Appellate Authority may be directed to dispose of the said appeal within a time frame.

3.The learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel appearing for the 4th respondent have no objection for giving a direction to the 2nd respondent to dispose of the appeal filed by the 4th respondent within a time frame.

4.In view of the submissions made by the learned counsel on either side, without going into the merits of the case, we direct the 2nd respondent to dispose of the appeal dated 20.05.2019 filed by the 4th respondent, on merits and in accordance with law, as expeditiously as possible.

5.With this observation, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai - 600 002.
- 2.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region,
6, Sannathi Street, Subramania Nagar,
Sooramangalam, Salem.
- 3.The Commissioner,
Attur Municipality,
Municipality Office, Attur,
Salem District.

+2cc to Mr.Ganesh & Ganesh Advocate, S.R.No.70662

VGI(CO)
CB(18/09/2019)

W.P.No.17274 of 2018