

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.27477 of 2019

S.Dennison

.. Petitioner

-vs-

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

2.The Executive Officer,
Vellalore Town Panchayat,
Coimbatore.

3.The Member Secretary (i/c),
Coimbatore Local Planning Authority,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 06.8.2019 sent to them and pass appropriate orders within stipulated time relating to the building plan application dated 3.2.2015 submitted by the petitioner to the second respondent in respect of the property situate at Vellalore Village in Ka.Sa.No.548/1A New Ka.Sa.No.548/2B LG Nagar Phase II Site No.7 to an extent of 2645 square feet or 6 cents 31 square feet.

For Petitioner

: Mr.S.D.S.Phillip

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

(Order of the Court was made by DR.VINEET KOTHARI,J.))

The grievance of the petitioner is that respondent No.2, the Executive Officer, Vellalore Town Panchayat, Coimbatore, is not

deciding the representation with regard to the approval and deviation in the construction of the petitioner. The last representation of the petitioner on record is dated 06.08.2019, which is response to the notice given by the said authority. There also seems to be a complaint against the petitioner by one Mr.J.Daniel Jesudass, who has filed a writ petition viz., W.P.No.21270 of 2018, which was disposed of by a Co-ordinate Bench of this Court on 11.03.2019 directing the petitioner therein to re-submit application with necessary documents called for by the Member Secretary, Local Planning Authority, Coimbatore.

2. On the other hand, the petitioner has also approached this Court on an earlier occasion by filing W.P.No.14166 of 2015 and the same came to be disposed of by another Co-ordinate Bench of this Court vide an order dated 06.05.2015 itself giving direction to the respondents therein to consider his plan for construction within a period of six weeks from the date of the receipt of copy of the said order.

3. Thus, the process of approval of the plan, construction, deviation therein and regularisation has been going on since 2015, but no final decision appears to be taken by the concerned authority.

4. Having heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, we direct respondent No.3/Member Secretary, Coimbatore Planning Authority, Coimbatore, to hear the present petitioner and pass appropriate speaking order on his representation dated 06.08.2019 within a period of four weeks from today. The said authority may provide personal hearing to the complainant Mr.J.Daniel Jesudass, who had filed W.P.No.21270 of 2018 in this Court earlier, which was disposed of on 11.3.2019, as stated above. The said order should be passed within a period of four weeks from today positively by the said authority. The petitioner is directed to appear before the Member Secretary, Coimbatore Local Planning Authority in the first instance on 25.09.2019.

5. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, W.M.P.No.26968 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To:

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

2.The Executive Officer,
Vellalore Town Panchayat,
Coimbatore.

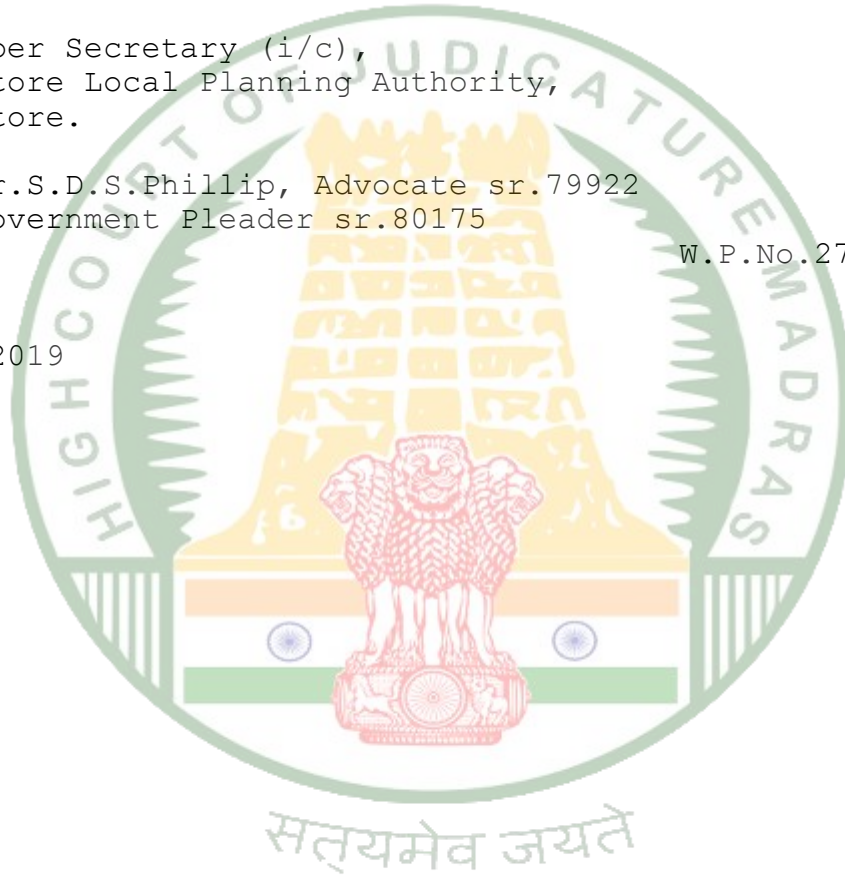
3.The Member Secretary (i/c),
Coimbatore Local Planning Authority,
Coimbatore.

+2cc to Mr.S.D.S.Phillip, Advocate sr.79922

+1cc to Government Pleader sr.80175

W.P.No.27477 of 2019

pm(co)
nr 23/10/2019



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