



O R D E R

(Order of this Court was made by R.SUBBIAH, J.)

The petitioner has come up with the present Writ Petition for a Certiorarified Mandamus, calling for the records relating to the impugned orders of the third respondent in Na.Ka.No.450/2019/T3 dated 14.11.2019 and 18.11.2019 and consequential notice in Na.Ka.No.1251/2019/T3, dated 21.11.2019 and quash the same, and further, direct the respondents 1 and 2 to dispose the appeal dated 23.11.2019 and 28.11.2019 and grant a permission for building constructed in Survey No.73/9A at Kanchanayakkanpatty Village, Kadayampatty Taluk, Omalur, Salem District.

2. The case of the petitioner is that, he is running orphanage home for children in the name of Jesus Mercy Home Association for the past 53 years and the Association purchased a property in Survey No.73/9-A at Kanchanayakkanpatty Village, Kadavanpatty Taluk, Omalur, Salem District, measuring to an extent of 20 cents. They also put up a prayer hall in the said land.

3. While so, a Writ Petition in W.P.No.5232 of 2009 was filed by one S.Murugan for a mandamus, directing the Panchayat Secretary, Kalayampatty Panchayat to remove the construction put up by the petitioner stating that it is illegal and unauthorised construction. The said Writ Petition was disposed of by this Court, directing the third respondent to consider the representation given by the said S.Murugan for removing the illegal construction put up by the petitioner. Thereafter, the third respondent passed an order dated 14.11.2019 rejecting the application submitted by the petitioner stating that the construction of prayer hall was unapproved one. Apart from that, the third respondent issued another order dated 18.11.2019 retreating the earlier order dated 14.11.2019 by rejecting planning permission submitted by the petitioner. Hence, the petitioner has come up with the present Writ Petition to quash the same.

4. Today, when the petition is taken up for consideration, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 submitted that already the petitioner has filed an appeal dated 28.11.2019 before the respondents 1 and 2. He would further submit that the first respondent would dispose of the appeal, within a period of two weeks from the date of receipt of a copy of the order. Till such time no action would be initiated.

5. Recording the submission made by the learned Special Government Pleader appearing for the respondents 1, 2 and 4, this Writ Petition stands closed. However, the first respondent is directed to afford a personal hearing to the petitioner while disposing of the appeal. Till such time, the



respondents shall maintain status quo. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS)

Sub Assistant Registrar

sri
To

1.The Director,
Directorate of Town and Country Planning,
807, Annasalai,
Chennai - 600 002.

2.The District Collector,
Salem District, Salem.

3.The Block Development Officer /
Special Officer,
Kalyampatty Post and Taluk,
Salem District - 636 305.

4.The Tahsildar,
Kaattiyampatty Taluk,
Salem - 636 351.

+1cc to Mr.K.S.Sathish kumar , Advocate SR.No. 101972

W.P.No.34052 of 2019
and W.M.P.Nos.34652 & 34654 of 2019

A.SK(23/01/2020)