

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.31621 of 2018

Mrs.B.Latha

...

Petitioner

Vs.

1.The Municipal Commissioner,
Avadi Municipality,
Chennai - 600 054.

2.Mr.P.Periyasamy

3.Mrs.Sundari

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to consider and pass order on the petitioner's representation dated 30.07.2018 within a time frame manner.

For Petitioner : Mr.P.Manikannan

For Respondents : Mr.P.Srinivas
Standing Counsel for R1

Mr.Manoj Sreevalsan for R2

No appearance for R3

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to consider the representation of petitioner, dated 30.07.2018 within a time frame manner.

2. According to the petitioner, the third respondent by suppressing the material fact, obtained the planning permission from the first respondent-Municipality. Hence, the petitioner made a representation to the first respondent on 30.07.2018. However, till date, there was no representation from the first respondent. Hence, the present Writ Petition.

3. According to the learned counsel appearing for the second and third respondents, the allegations made by

the petitioner are contrary to the facts and the same are denied.

4. The learned Standing Counsel appearing for the first respondent-Municipality would submit that the first respondent has power to consider the said representation of the petitioner under Section 54 of the Tamil Nadu Town and Country Planning Act and also under Section 321(5) of the District Municipalities Act and the first respondent will consider the representation of the petitioner within a time frame as fixed by this Court.

5. In the light of the above submissions, this Court without going into the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 30.07.2018, and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CS)
//True Copy//
Sub Assistant Registrar

r n s
To

The Municipal Commissioner,
Avadi Municipality,
Chennai - 600 054.

+1cc to Mr. P.Manikannan, Advocate SR.No. 33865
+1cc to Mr. Manoj Sreevalsan , Advocate SR.No. 34488
+1cc to Mr.P.Srinivas , Advocate SR.No. 34605

W.P.No.31621 of 2018

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A.SK(08/05/2019)