

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.04.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.5659 of 2019

S.P.N.Sathiyamoorthi ... Petitioner

Vs.

1.State represented by
the District Collector,
Collectorate,
Pudukottai District.

2.The Commissioner,
Pudukottai Municipality,
Pudukottai District.

3.Mookambikai Trust
represented by its Trustee / Trust Management,
M.Rajendran.

R3 is impleaded vide Court order
dated 19.03.2019 in W.M.P.(MD).No.5146 of 2019.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent vide proceedings A.E.Ka.No.1/2019/TP1, dated 07.02.2019 and quash the same and consequently direct the second respondent to reconsider the application for approval of the petitioner's building or at least but as last, granting a reasonable time to vacate the premises, in case of the second respondent denial to extend the period of time for removal of unauthorised construction situated at Survey No.2382/3, 23, Mela Raja Street, Pudukottai Town.

For Petitioner	:	Mr.S.Senthil Vadivelan
For R1	:	Mr.M.Pandiarajan
		Additional Government Pleader
For R2	:	Mr.P.Mahendran
For R3	:	Mr.V.Meenakshi Sundaram

**O R D E R**

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

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This writ petition has been filed challenging the notice issued by the second respondent dated 07.02.2019, in and by which, the petitioner was directed to remove the unauthorised construction within a period of three days.

2. Though the learned counsel for the petitioner had taken time for giving undertaking from the tenants to vacate the premises within a period of one month, so far no affidavit of undertaking has been filed.

3. The learned counsel for the petitioner would state that the petitioner has no intention to challenge the notice, but he needs only time to vacate the premises.

4. The learned Standing counsel for the second respondent would state that the planning approval of the petitioner was rejected in the year 2008 itself, however, so far the petitioner has not removed the unauthorised construction.

5. The learned counsel for the third respondent would state that even in the impleading application, the third respondent has sought reasonable time to vacate the premises.

6. Taking note of the facts of the case and the submissions made by the learned counsel on either side, this writ petition is disposed of directing the second respondent to give a reasonable time of two months for the tenant to vacate the premises, provided a separate undertaking affidavit is filed by the tenants and if no individual undertaking affidavit is forthcoming, the second respondent is at liberty to take further action in accordance with law.

7. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Collector,
The State of Tamil Nadu,
Collectorate,
Pudukottai District.

2.The Commissioner,
Pudukottai Municipality,
Pudukottai District.

+1CC TO MR.P.MAHENDRAN, Advocate Sr. No. 58193

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 58554

W.P. (MD) .No.5659 of 2019

01.04.2019

TR (11.04.2019) 3P 5C