



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

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

W.P. (MD) .No.9265 of 2019
and
W.M.P. (MD) .No.7281 of 2019

S.Navaneethakrishnan

... Petitioner

Vs.

1. The Director,
Office of the Directorate of Town
and Country Planning, Anna Salai,
Chennai 600 002.
2. The District Collector,
Collectorate, Thoothukudi District.
3. The Deputy Director,
The Town and Country Planning,
Tirunelveli Zone,
South Bypass Road, Tirunelveli - 5.
4. The Tirunelveli Corporation
represented by its Commissioner, Tirunelveli District.
5. Mr.P.Subramanian

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action to prevent the fifth respondent from putting up construction in T.S.Nos.1100/1A Part, 1101/2 Part and 1101/4 (New Sub Division T.S.Nos.1100/1A2, 1101/2A11, 1101/2 and 4A6) in Sindhu Poondurai Village, Tirunelveli Corporation, Tirunelveli District without obtaining building plan approval / planning sanction from the respondents 3 and 4.

For Petitioner

: Mr.R.J.Karthick

For R1 to R3

: Mr.P.Kannithevan

Additional Government Pleader

For R4

: Mr.Aayiram K.Selvakumar

Additional Government Pleader

For R5

: Mr.G.Prabhu Rajadurai

**O R D E R**

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

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Heard Mr.R.J.Karthick, learned counsel for the petitioner, Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 3, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the fourth respondent and Mr.G.Prabhu Rajadurai, learned counsel for the fifth respondent.

2. The prayer in the writ petition is to issue a writ of Mandamus directing the respondents 1 to 4 to take action to prevent the fifth respondent from putting up construction in T.S.Nos.1100/1A Part, 1101/2 Part and 1101/4 (New Sub Division T.S.Nos.1100/1A2, 1101/2A11, 1101/2 and 4A6) in Sindhu Poondurai Village, Tirunelveli Corporation, Tirunelveli District without obtaining building plan approval / planning sanction from the respondents 3 and 4.

3. The case of the writ petitioner is that the fifth respondent without obtaining planning permission is putting up construction in the above said properties.

4. According to the learned counsel for the fifth respondent, the fifth respondent has obtained planning permission and as per the approved plan, he is constructing the building.

5. The learned counsel for the petitioner would submit that the approved plan is in respect of some other property.

6. However, without going into the disputed question of facts, this Court, directs the fourth respondent to conduct an enquiry, on the basis of the representation of the petitioner dated 04.04.2019 and pass final orders purely on merits and in accordance with law, after providing opportunity of personal hearing to the petitioner and the fifth respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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To

1. The Director,
Office of the Directorate of Town
and Country Planning,
Anna Salai,
Chennai 600 002.

2. The District Collector,
Collectorate,
Thoothukudi District.

3. The Deputy Director,
The Town and Country Planning,
Tirunelveli Zone,
South Bypass Road,
Tirunelveli - 5.

4. The Commissioner,
The Tirunelveli Corporation,
Tirunelveli District.

1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-63171[F] dated
27/04/2019)

+1 CC to M/s.AAYIRAM K.SELVAKUMAR, Advocate (SR-63223[F] dated
27/04/2019)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-63226[F] dated 27/04/2019)

+1 CC to M/s.SPL GP (SR-63402[F] dated 27/04/2019)

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DS/ /SAR- (30.04.2019) 3P 8C