



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr.Justice SENTHILKUMAR RAMAMOORTHY

WP(MD) No.14625 of 2019

and

WMP(MD) No.11067 of 2019

MADURAI AYIRA VAISYA MANJAPUTHUR

MAHAJA SABAI,
REPRESENTED BY ITS PRESIDENT
N.BASKARAN

... PETITIONER

Vs

1 THE GOVERNMENT OF TAMILNADU,
REP.BY ITS CHIEF SECRETARY,
FORT.ST.GEORGE, CHENNAI-9.

2 THE COMMISSIONER,
DIRECTORATE OF TOWN AND COUNTRY PLANNING,
OPPOSITE TO CIC, CHENGALVARAGAN BUILDING,
FOURTH FLOOR, 807, ANNA SALAI,
CHENNAI-2.

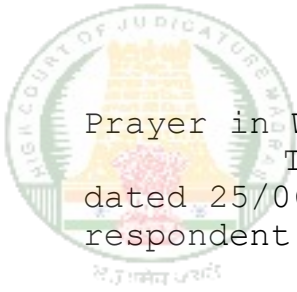
3 THE DISTRICT COLLECTOR/CHAIRMAN,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

4 THE MEMBER SECRETARY,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

5 SRIRAM CATERERS,
REPRESENTED BY ITS MANAGER,
S.SRIDHAR

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 25/06/2019 issued by the 4th respondent in Na.Ka.No.227/2016/Mathi-2 and quash the same as illegal and consequently direct the 4th respondent to grant approval to the petitioner association building by considering their application dated 14/06/2018.



Prayer in WMP(MD). 11067/ 2019 :

To stay all further proceedings of the impugned notice dated 25/06/2019 in Na.Ka.No.227/2016/Mathi-2 on the file of the 4th respondent pending disposal of the WP.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.LAJAPATHI ROY, Advocate for the petitioner and of MR.V.R.SHANMUGANATHAN, Special Government Pleader for R1 to R3, the court made the following order:-

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

Learned counsel for the petitioner seeks to give up the first respondent, as he is not a necessary party. He has also made an endorsement to that effect. Registry is directed to delete name of the first respondent from the array of parties to the writ petition.

2. The writ petitioner aggrieved against the proceedings of the fourth respondent dated 25.06.2019 calling upon the petitioner to remove the encroachments within 24 hours. The learned counsel for the petitioner submitted that in an earlier writ petition filed by the occupier, namely, one S.Sridhar, in W.P.(MD) No.8217 of 2018, this Court passed an order dated 23.01.2019 directing the concerned respondents therein to issue notice to the owner of the building, the petitioner therein, as well as any other necessary party and pass appropriate orders in accordance with law, after providing them an opportunity of hearing. Therefore, it is contended that the present impugned proceedings issued on the petitioner, being the owner of the property, straight away asking them to vacate the subject matter property, is not in compliance with the order already passed on 23.01.2019.

3.Considering the above said facts and circumstances, there will be an order of interim stay for a period of two weeks.

4.Post the matter along with the connected Cont.P(MD) No.563 of 2019.

sd/-
28/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHIEF SECRETARY,
GOVERNMENT OF TAMILNADU,
FORT.SI.GEORGE, CHENNAI-9.



2 THE COMMISSIONER,
DIRECTORATE OF TOWN AND COUNTRY PLANNING,
OPPOSITE TO CIC, CHENGALVARAGAN BUILDING,
FOURTH FLOOR, 807, ANNA SALAI,
CHENNAI-2.

3 THE DISTRICT COLLECTOR/CHAIRMAN,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

4 THE MEMBER SECRETARY,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

+1. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.10701

ORDER
IN
WP(MD) No.14625 of 2019
and
WMP(MD) No.11067 of 2019
Date :28/06/2019

JM/VR/SAR 2/28.06.2019/3P/6C