



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM:

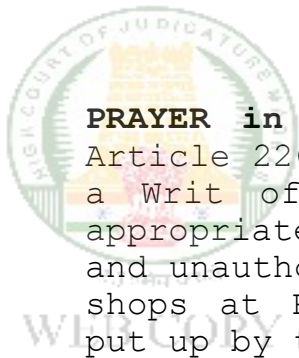
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)Nos.869 and 8282 of 2018
and
W.M.P. (MD)No.7856 of 2018

K.Krishnamurthy ..Petitioner in W.P.(MD)No.869 / 2018
B.RameshKannan ..Petitioner in W.P.(MD)No.8282 / 2018

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Secretariat, Chennai-600 009.
- 2.The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai-600 002.
- 3.The Deputy Director,
Town and Country Planning Tirunelveli Region,
No.108, Trivandrum Road,
Palayamkottai, Tirunelveli-627 002.
- 4.The District Collector,
Office of the Collectorate,
Tirunelveli District.
- 5.The Executive Office,
Selection Grade Panchayat,
Kallidaikurichi.
- 6.B.Ramesh Kannan ..Respondents in W.P.(MD)No.869 / 2018
The Executive Officer,
Kallidaikurichi Special
Grade Town Panchayt,
Kallidaikurichi,
Tirunelveli District. ..Respondent in W.P.(MD)No.8282 / 2018



PRAYER in W.P.(MD)No.869 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action in accordance with law to demolish the illegal and unauthorized construction of Eswar Ram Marriage Hall A/C and the shops at Railway Line Road, Kallidaikurichi, Tirunelveli District put up by the 6th respondent without the necessary approval.

PRAYER in W.P.(MD)No.8282 of 2018 : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed the respondent in his proceedings Ka.Ma.No.170/2016-17 dated 02.03.2018 and quash the same as illegal and without jurisdiction and in violation of principles of natural justice.

For Petitioner : Mr.V.Sasikumar
For R1 to R4 : Mr.S.Angappan
Government Advocate
For R5 : Mr.M.Rajarajan
(in W.P.(MD)No.869 of 2018)

For Petitioner : Mr.B.Saravanan
For Respondent : Mr.M.Rajarajan
(in W.P.(MD)No.8282 of 2018)

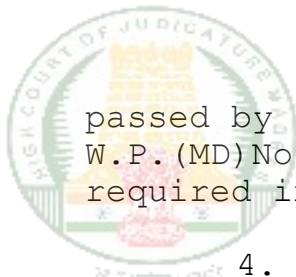
ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel appearing on either side.

2. W.P.(MD)No.869 of 2018 has been filed by K.Krishnamurthy to direct the respondents 1 to 5 to take appropriate action against the sixth respondent, who has illegally converted the godown into a marriage hall. The Executive Officer of Kallidaikurichi, Selection Grade Town Panchayat, has directed the sixth respondent, B.Ramesh Kannan not to use the building as marriage hall and remove all the construction put up therein to use as marriage hall and apart from that vide proceedings dated 02.03.2018, the permission granted to B.Ramesh Kannan to construct a godown on 23.05.2017 was cancelled. The said B.Ramesh Kannan filed W.P.(MD)No.8282 of 2018, challenging the order passed by the Town Panchayat, dated 02.03.2018.

3. It is not in dispute that the objection raised by K.Krishnamurthy is with regard to the unauthorized conversion of a godown into marriage hall. Expressing such grievance, he had come before this Court and filed writ petition. Now the grievance of the said K.Krishnamurthy has been redressed in the light of the order



passed by the Town Panchayat, dated 02.03.2018, which is impugned in W.P.(MD)No.8282 of 2018. Therefore, no further orders would be required in W.P.(MD)No.869 of 2018.

4. The petitioner in W.P.(MD)No.8282 of 2018, who converted the godown into a marriage hall, would submit that permission granted for godown should not have been cancelled.

5. This submission is incorrect because the petitioner B.Ramesh Kannan has violated the permission granted on 23.05.2017. Therefore, the Town Panchayat was justified in cancelling the permission granted for godown itself.

6. It is submitted by the learned counsel for the petitioner that all the features, which were put up for a marriage hall have been removed and rooms, which were constructed will also be removed and the building will be converted to its original state as godown.

7. Considering the submission, we direct the petitioner B.Ramesh Kannan to convert the building expeditiously to its original position as godown and apply for revised plan before the first respondent / Town Panchayat. On receipt of such application, inspection be conducted and if the petitioner satisfies all the requirements as per the relevant laws, the same shall be considered and appropriate orders shall be passed in accordance with law.

8. It is further submitted by the learned counsel for the petitioner that the petitioner should be given liberty to put the building to use for any other purpose other than as a godown. This cannot be permitted. If the petitioner thinks to do so, then the petitioner has to demolish the godown and make the site as vacant site and then apply for planning permission for any other construction and only after obtaining the same, the petitioner can put up any construction.

9. In the view of the above observation, W.P.(MD)No.869 of 2018 is closed as no further adjudication needs to be entertained and W.P.(MD)No.8282 of 2018 is disposed of with the directions set out above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

ta
To

1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Chennai-600 009.

<https://hcservices.tn.gov.in/hcservices>



2.The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai-600 002.

3.The Deputy Director,
Town and Country Planning Tirunelveli Region,
No.108, Trivandrum Road,
Palayamkottai, Tirunelveli-627 002.

4.The District Collector,
Office of the Collectorate,
Tirunelveli District.

5.The Executive Office,
Selection Grade Panchayat,
Kallidaikurichi.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-89469[F] dated 26/09/2019)

+1 CC to M/s.GP (SR-89854[F] dated 26/09/2019)

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-90092[F] dated 27/09/2019)

ORDER MADE IN
W.P. (MD) Nos.869 and 8282 of 2018
25.09.2019

JM/18.10.2019/4P/9C