

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22595 of 2013 and

M.P. No. 1 of 2013

A.Ponnusamy

... Petitioner

v.

1.The Assistant Director Town and
Country Planing,
Corporation Commercial Complex,
Dr. Nanjappa Road,
Coimbatore - 18.

2. The Executive Authority and President,
Vadavalli Panchayat,
Annur Panchayat Union,
Coimbatore.

3. The Sub Registrar,
Mettupalayam Sub Registrar Office,
Mettupalayam.

4. M/s.Mahalakshmi Nagar Layout,
Rep.. by Maheswari, Document Writer,
Opp. To Sub-Regsitrar Office,
Mettupalayam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st and 2nd respondents to take action against the 4th respondent under Sections 56 and 57 of Tamil Nadu Town and Country Planning Act, 1971 r/w 3, 31, 32, 33 and 34 of Tamil Nadu Panchayat Building Rules for developing an unapproved layout in Survey No.207/1, 2, 3 and 208/1, 2A, 2B and 3 situated within the Vadavalli Village, Annur Taluk, Coimbatore, within the time frame fixed by this Court.

For Petitioner : Mr. Sarath Chandran
for M/s.K.M. Vijayan Associates

For Respondents: Mrs.K. Bhuvaneswari
Addl. Govt. Pleader - for R1

Mr. P. Chinnadurai - for R2

Mr.P.P. Purushothaman,
Govt. Advocate - for R3

Mr. B.Hari Krishnan - for R4

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take action against the 4th respondent under Sections 56 and 57 of Tamil Nadu Town and Country Planning Act, 1971 r/w 3, 31, 32, 33 and 34 of Tamil Nadu Panchayat Building Rules for developing an unapproved layout in Survey Nos.207/1, 2, 3 and 208/1, 2A, 2B and 3 situated within the Vadavalli Village, Annur Taluk, Coimbatore, within a time frame .

2. It is the case of the petitioner that the 4th respondent's lay out was developed by one Maheswari and were sold to various individuals unauthorizedly. It is also the case of the petitioner that the 4th respondent has not obtained any layout approval, which is violative of the Act and Rules. In the said circumstances, Mr. Sarath Chandran, learned counsel appearing for the petitioner submitted that the 1st respondent may be directed to take appropriate action against all the persons who have purchased the plots from the owners of the land as well as the 4th respondent, who is also a developer of the lay out.

3. Mrs.K.K. Bhuvaneswari, learned Additional Government Pleader, appearing for the 1st respondent submitted that the 1st respondent may be directed to issue notice and take appropriate legal action against the wrong doers.

4. Mr. B.Hari Krishnan, learned counsel appearing for the 4th respondent submitted that appropriate legal action may be taken against the owners of the land and other wrong doers.

5. Having regard to the submissions made by the learned counsel on either side, I direct the 1st respondent to issue

notice against all the wrong doers/land owners with regard to the unapproved layout in respect of the construction put up in the unapproved layout and take appropriate action, after giving notice of hearing to all the aggrieved parties, and decide the matter on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj
To

- 1.The Assistant Director Town and Country Planing, Corporation Commercial Complex, Dr. Nanjappa Road, Coimbatore - 18.
2. The Executive Authority and President, Vadavalli Panchayat, Annur Pamnchayat Union, Coimbatore.
3. The Sub Registrar, Mettupalayam Sub Registrar Office, Mettupalayam.

+1cc to the Government Pleader Sr.25285

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rld[co]
srg 03/08/2020