

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.6064 of 2020
and
W.M.P.No.7113 of 2020

A. Shanmuga Vadivel ... Petitioner

Vs

The Sarkarsamakulam Selection
Grade Town Panchayat,
Annur Taluk,
Coimbatore,
Rep. by its Executive Officer. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of
Certiorari, calling for the order of the Respondent made in Na.
Ka. No. 555/2019 dated 03.01.2020 and quash the same.

For Petitioner : Mr. G. Jeremiah

For Respondents: Mr. P.S. Sivashanmuga Sundaram,
Special Government Pleader.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner has put up a two storeyed building after
obtaining permission from respondent on 01.08.2019. However,
the respondent has issued a show cause notice on 27.11.2019.
Therefore, the petitioner sent a representation on 30.11.2019
along with necessary records and the plan permission obtained by
him. However, without considering the above, the respondent
passed the temporary order on 26.12.2019 and the impugned order
on 03.01.2020. The said order is challenged before this Court.

2.Heard Mr.G.Jeremiah, learned Counsel appearing for the
petitioner and Mr. P.S. Sivashanmuga Sundaram, learned Special
Government Pleader appearing for the respondent.

3.Mr.G.Jeremiah, learned Counsel for the petitioner would submit that two storeyed building has been put up and the ground floor is only silt and it can be considered as vacant and therefore, according to the approved plan, construction has been made and without considering the same, order has been passed by the respondent pursuant to the temporary order dated 26.12.2019. However, the learned Special Government Pleader opposed the said contentions that the final order may be treated as final notice to the petitioner and the petitioner is always at liberty to give reply and based on the reply, appropriate order will be passed.

4.A perusal of the typed set of papers especially the photographs would show that the building consists of silt + two floors. Therefore, if two floors have been built up, then it is according to the approved plan. If there is any violation, the authorities are at liberty to take action. In any event, final order dated 03.01.2020 has been passed and a decision has been taken by the respondent. Therefore, this Court directs the petitioner to consider the final order dated 03.01.2020 as show cause notice.

5.The petitioner is at liberty to give reply along with necessary documents and also approved plan within a period of two weeks from the date of receipt of a copy of this Order. On reception of the said reply, the authorities are directed to inspect the property and find, whether approved plan is available and if approved plan is available, whether the construction has been done according to the plan and give opportunity to the petitioner for reply and pass appropriate order within a period of twelve weeks thereafter. However, since final order has been passed and it has been served upon the petitioner, the respondent shall not take any coercive steps against the petitioner till the final order is passed as per the directions stated above.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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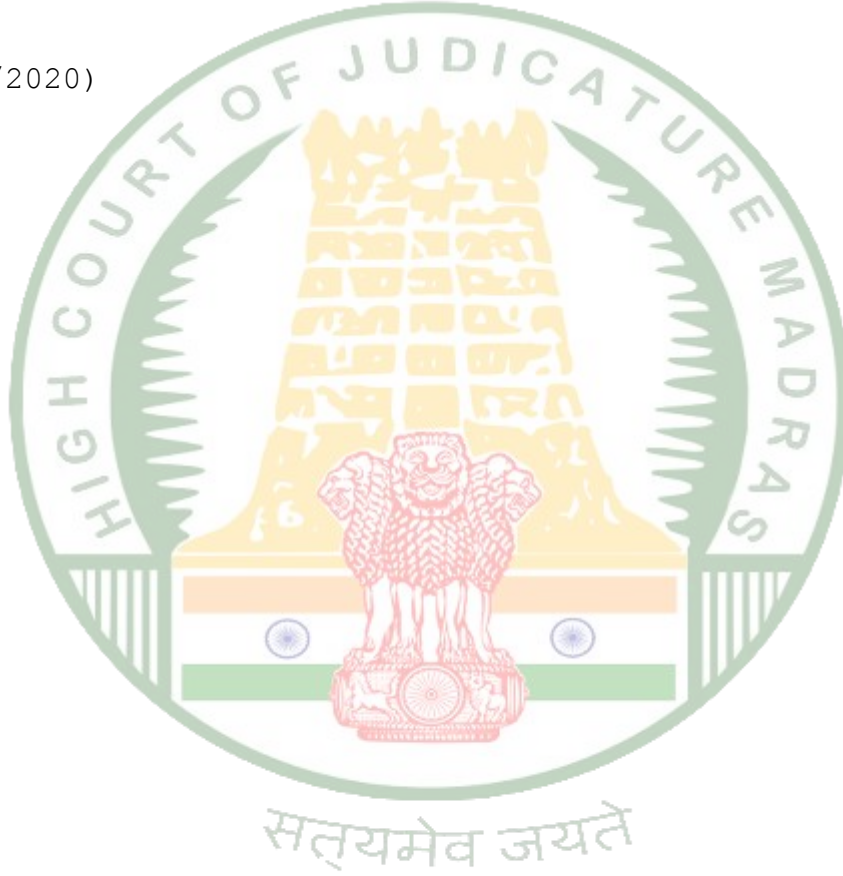
To

The Executive Officer,
Sarkarsamakulam Selection Grade Town Panchayat,
Annur Taluk,
Coimbatore,

+lcc to Mr.B.Nambiselvan, Advocate SR.No.21394

W.P.No.6064 of 2020
and
W.M.P.No.7113 of 2020

KK(CO)
GMY(11/06/2020)



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