

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18953/2020
[Video Conferencing]

K.Rajendran

..Petitioner

Versus

1. The Commissioner,
Directorate of Town and Country Planning
Chengalvarayan Building
No.807, 4th Floor,
Anna Salai, Chennai 600 002.
2. The Deputy Director,
Directorate of Town and Country
Planning, Salem Region
Soornamangalam, Salem.
3. The Commissioner
Narasingapuram Municipality
Municipality Office,
Narasingapuram, Attur Taluk
Salem 636 102.

4.B.Saravanan

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing 2nd and 3rd respondents to comply 3rd respondent's notice dated 08.10.2020 made in Na.Ka.No.1776/2020/4 and direct the 2nd and 3rd respondents to take appropriate action for demolition of the unauthorised commercial construction of the 4th respondent premises which is situated in D.No.26/19, Salem-Caddalore Main Road, Narasingapuram, Attur Taluk, Salem District based on the petitioner's representation dated 07.09.2020 and the reminder representation dated 09.10.2020.

For Petitioner : Mr.B.Dinesh Kumar
Not Connected through
Video Conferencing

For R1 & R2 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.
- (2) The 3rd respondent, based on the representation submitted by the petitioner, has issued a Notice dated 08.10.2020 in Na.Ka.No.1176/2020/4 under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971 for demolition / removal of the unauthorised construction put up by the 5th respondent and despite a lapse of two months, nothing is happening and the representation dated 09.10.2020 submitted by the petitioner, also failed to invoke any kind of response and hence, the petitioner came forward to file the present writ petition.
- (3) The learned counsel for the petitioner is not connected.
- (4) Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for respondents 1 and 2 would submit that further proceedings would take place in the light of the above cited communication dated 08.10.2020.
- (5) This Court has considered the submissions made by the learned Special Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.
- (6) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the 3rd respondent to proceed further in terms of the above cited notice dated 08.10.2020, subject to legal interdict if any and take appropriate action in accordance with law as to the alleged unauthorised construction put up by the 4th respondent and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as the 4th respondent herein.
- (7) The writ petition stands disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Directorate of Town and Country Planning
Chengalvarayan Building
No.807, 4th Floor,
Anna Salai, Chennai 600 002.

2. The Deputy Director,
Directorate of Town and Country
Planning, Salem Region
Soornamangalam, Salem.

3. The Commissioner
Narasingapuram Municipality
Municipality Office,
Narasingapuram, Attur Taluk
Salem 636 102.

+1 CC to Ms.L.P. Maurya, Advocate sr 41623.

WP.No.18953/2020

KJ(CO)
SP(11/01/2021)



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