

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10260 of 2021

R.Sivakumar

Petitioner

Vs.

1. The Government of Tamil Nadu
By its Secretary
Housing and Urban Development
Secretariat
Chennai.
2. The Director of Town and Country Planning
Directorate of Town and Country Planning
C & E, Market Road
Koyambedu
Chennai 107.
3. The District Collector
Tirupur.
4. The Commissioner
Tirupur City Corporation
Tirupur.
5. Sri Sathya Sai Trust
Tamil Nadu
By its President
No.7, Sundaram Salai
Raja Annamalaipuram
Chennai 28.

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action against the fifth respondent for constructing the temple in Plot No.81, Ponmuthu Nagar, Nallur, Tirupur City Corporation in violation of the approval granted by the fourth respondent.

For Petitioner : Mr.S.Muthukrishnan

For Respondents: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondents 1 to 3

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J.)

The Secretary of a residents' welfare association complains of the construction of a temple by the fifth respondent in violation of the relevant plan sanction and/or building permit. The petitioner states that Plot No.81, measuring about 4000 sq.ft. in Ponmuthu Nagar was purchased by a person called Rathnasamy on March 20, 1992, and that Rathnasamy executed a gift deed in favour of the fifth respondent on November 23, 2011. The fifth respondent commenced construction of a building on the said property in violation of the plan approval granted by the fourth respondent. According to the petitioner, the construction of a temple at Ponmuthu Nagar in violation of the approval granted by fourth respondent causes considerable nuisance to the residents of Ponmuthu Nagar.

2. Learned State Government Pleader accepts notice on behalf of respondents 1 to 3 and submits that the fourth respondent would be the appropriate authority to consider and dispose of the petitioner's representation. In view of the nature of order proposed to be issued, no notice is necessary either to the fourth or the fifth respondent.

3. In the aforesaid facts and circumstances, without going into the merits of the matter, the fourth respondent herein is directed to consider the representation dated 01.04.2021 of the petitioner and dispose of the same within a period of six weeks from the date of receipt of a copy of this order after providing a reasonable opportunity to all affected parties, including, in particular, the fifth respondent herein.

4. W.P.No.10260 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.10859 of 2021 is closed.

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

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To:

1. The Secretary
Housing and Urban Development
Secretariat
Chennai.
2. The Director of Town and Country Planning
Directorate of Town and Country Planning
C & E, Market Road
Koyambedu
Chennai 107.
3. The District Collector
Tirupur.
4. The Commissioner
Tirupur City Corporation
Tirupur.

W.P.No.10260 of 2021

KV(CO)
CB(01/06/2021)



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