



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.17883 of 2021

and

WMP.No.19090 of 2021

Dr.V.Kirubha Shankar

.. Petitioner

Versus

1. The Commissioner,
Directorate of Town and Country Planning,
CMDA Complex, E&C Market Street,
Koyambedu,
Chennai 600107.

2. The Assistant Director, Member Secretary,
Directorate of Town and Country Planning,
Salem Region, 6 Sanathi Street,
Subramaniam Nagar, Sooramangalam,
Salem 636 005.

3. The Commissioner,
Salem Corporation,
Salem 636 001.

4. M.D.Sasi Kumar

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the third respondent to comply the order dated 12.07.2021 made in Na.Ka.No.1730/2021, which was passed by second respondent herein and to take action for demolition of the huge unauthorized construction of the fourth respondent premises, which is situated in 2 Floors building, which is situated bearing old number 170/12 and New T.S.Nos.19, totally admeasure 1602 Sq.ft. which is situated in Ward No.E, Block No.48, Salem West Taluk, Salem District.



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For petitioner : Mr.Rajakumar
For respondents : Mr.C.Jayaprakash
for RR1 & 2 : Government Advocate
for R3 : Mr.S.Satheesh
Standing Counsel

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner sought for issuance of a Writ of Mandamus, directing the third respondent to take action against the unauthorized construction put up by the fourth respondent premises and demolish the same.

3. The petitioner alleges that the fourth respondent had encroached upon his property and putting up construction without any planning permission.

4. Mr.Satheesh, learned Standing Counsel appearing for the third respondent would state that the fourth respondent is constructing the building as per the planning permission. The learned Standing Counsel also produced the order of the third respondent granting planning permission to the fourth respondent.

5. In the light of the submissions of the learned Standing Counsel appearing for the third respondent, we find no merit in the case of the petitioner. However, if there is any deviation in the construction of the fourth respondent, the third respondent shall take appropriate action against the same.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs



To

1. The Commissioner,
Directorate of Town and Country Planning,
CMDA Complex, E&C Market Street,
Koyambedu,
Chennai 600 107.
2. The Assistant Director, Member Secretary,
Directorate of Town and Country Planning,
Salem Region, 6 Sanathi Street,
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Salem 636 005.
3. The Commissioner,
Salem Corporation,
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SV-I (CO)
K.RK. (27.09.2021)