

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.2545 of 2022 and
W.M.P. No.2681 of 2022

S.Sivaprasad

... Petitioner

vs

1. The Commissioner,
Erode City Municipal Corporation,
New No.246, Old No.894,
Brough Road,
Erode - 638 001.
2. The Assistant Commissioner,
Zone IV,
Erode City Municipal Corporation,
Kasipalayam,
14, Nehruji Street,
Moolapalayam,
Erode - 638 002.
3. The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
4. The Assistant Director,
District Town and Country Planning Department,
Chennimalai Road,
Erode - 638 009.
5. The District Collector,
Erode District Collectorate Campus,
Erode - 638 011.
6. The Revenue Divisional Officer,
Erode Sub Division,
Chidambaram Colony,
Erode - 638 001.
7. The City Engineer,
Erode City Municipal Corporation,
New No.246, Old No.894,
Brough Road, Erode-638 001.

8.M.Sampath Kumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing respondents 1 to 7 to stop the construction work carried out by the eight respondent at Door No.31, Old Railway Station Road, Ward-"E", Block No.17, T.S. No.200, Erode, Erode District.

For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.M.Rajamathivanan,
Standing Counsel
for R1, 2 and 7

Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R3 to R6

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court seeking a direction to respondents 1 to 7 to stop the construction work carried out by the eight respondent at Door No.31, Old Railway Station Road, Ward-"E", Block No.17, T.S. No.200, Erode, Erode District.

2.When the matter is taken up for hearing, learned Standing counsel appearing for respondents 1, 2 and 7, the Commissioner, the Assistant Commissioner, the City Engineer, Erode City Municipal Corporation and the learned Special Government Pleader appearing for respondents 3 to 6 submitted that when Stop Work Notice was issued on 23.09.2021 against the eighth respondent, challenging the said Stop Work Notice dated 23.09.2021, a Writ Petition No.28490 of 2021 has been filed by the eighth respondent before this Court to quash the Stop Work Notice issued by the Assistant Engineer, Erode Corporation Division IV, Kasipalayam in Na.Ka.No.E1/613/2021 with a further direction to the respondents therein to process the eighth respondent's online application dated 10.12.2021 submitted for building plan approval to his house site. Learned Special Government Pleader further submitted that this Court, while considering the submissions made by both the learned counsels, disposed of the writ petition by directing the Erode Corporation, the first respondent therein to pass orders on the online application submitted by the eighth respondent on 10.12.2021, after affording an opportunity of personal hearing to him within a period of two months and till such time, the parties were directed to maintain status quo as on date.

3.Learned counsel for the petitioner submitted that the grievance of the petitioner has not been completely redressed because even during the period of two months given by this Court on 06.01.2022 in Writ Petition No.28490 of 2021, the eighth respondent has been putting up continuously the construction, but, this has been refuted by learned Standing Counsel for respondents 1, 2 and 7.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, this Court is inclined to give a suitable direction to the respondents concerned. Accordingly, respondents 1 and 2 shall ensure that no such construction is allowed to be raised by the eighth respondent. If any such construction is allowed to be raised, the same shall not be permitted till such time the application dated 10.12.2021 filed by the eighth respondent is considered, on merits and an order thereon is passed by the competent authority. With the above direction, this writ petition stands disposed of. Consequently, W.M.P. No.2681 of 2022 stands closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
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Erode - 638 001.
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5. The District Collector,
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6. The Revenue Divisional Officer,
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SRA (CO)
PR (23/02/2022)