



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KABALI KUMARESH BABU

W.P.No.12544 of 2022 and W.M.P. No.12009 of 2022

Nagalakshmi

.. Petitioner

-vs-

1. The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi, Thirupattur District.

2. The Inspector of Police,
Vaniyambadi Town Police Station,
Thirupattur District.

3. G.B.Nandakumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order dated 12.04.2022 in Na.Ka.No.1566/2022/F1 passed by first respondent and quash the same consequently forbearing the respondents 1 and 2 from forcible dispossession of the petitioner peaceful possession and enjoyment of the lands comprised in Survey No.Ward No.F Block No.23 Town S.No.1 part situated at Door No.24/165, Pudhur Narayanasamy Mesthiri Street, Vaniyambadi Town, Thirupattur District.

For Petitioner :: Mr.P.Ganapathy

For Respondents :: Mr.K.V.Sajeew Kumar
Special Government Pleader
for R1 & R2

ORDER

(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed by the petitioner challenging the impugned order dated 12.04.2022 passed by the first respondent in Na.Ka.No.1566/2022/F1, wherein she was



informed to remove the un-authorized construction within three days, failing which action would be taken against her for putting up the alleged construction in Survey No. Ward No. F Block No. 23 Town S.No. 1 part, situated at Door No. 24/165, Pudhur Narayanasamy Mesthiri Street, Vaniyambadi Town, Thirupattur District, without obtaining necessary planning permission from the competent authority.

2. Learned counsel appearing for the petitioner submitted that when the petitioner had submitted her building plan dated 09.10.2019 seeking planning permission that has been rejected by the first respondent without assigning any reason. Therefore, the impugned order passed by the first respondent against the petitioner to remove the un-authorized construction is highly un-justifiable and un-tenable.

3. Since the impugned order dated 12.04.2022 was passed by the first respondent calling upon the petitioner to remove the un-authorized construction within three days, failing which action would be taken against her, we posed a question to the learned counsel appearing for the petitioner as to whether the petitioner has put up the alleged construction after obtaining planning permission from the competent authority because the request of the petitioner to grant planning permission was refused on 09.10.2019 by the first respondent, the learned counsel for the petitioner is unable to give any positive response with regard to the planning permission, which is mandatory to be obtained from the competent authority. Therefore, we are unable to find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. Consequently, W.M.P. No. 12009 of 2022 is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi, Thirupattur District.



2. The Inspector of Police,
Vaniyambadi Town Police Station,
Thirupattur District.

+1cc to Mr.P.Ganapathy, Advocate, S.R.No.32215

W.P.No.12544 of 2022 and W.M.P. No.12009 of 2022

GPL[co]
NSK/20/06/2022