



W.P.No.7200 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.7200 of 2017

and

W.M.P.Nos.7823 & 7824 of 2017

K.Kandhasamy

... Petitioner

Vs

1.The Director,
Town and Country Planning Office,
No.807, Anna Salai,
Chennai - 600 002.

2.The District Collector,
Erode District, Erode.

3.The Member Secretary (in charge),
Erode Local Planning Authority,
Erode.

4.The Executive Officer,
Periya Semoor Municipality,
Erode - 638 004.

5.The Regional Deputy Director,
Town Panchayat, Erode.

6.S.R.Venkatachalam



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7.N.Sivakumar

8.M.Yuvaraj

Represented by their Power Agent

R.Ramalingam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the concerned records relating to the order passed by the third respondent in Ma.Va/E.Uo.Thi.Koo.No.14/2003 dated 12.12.2008 and order passed by the first respondent in Na.Ka.No.18151/2011/LA2 dated 19.07.2016 and quash the same and consequently directing the first respondent to reopen the enquiry on the basis of the petitioner representations dated 01.09.2010 and 24.06.2011.

For Petitioner : Mr.G.Pavendhan

For Respondents :

For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader

For R3 : Mr.V.Jayaprakash Narayanan

For R4 : Mr.M.Rajamathivanan

ORDER

There is a request for adjournment on behalf of the petitioner.



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2. The petitioner has challenged the impugned communication of the first respondent dated 19.07.2016 rejecting the request of the petitioner for cancelling the approval given by the third respondent on 12.12.2008 in Planning Permission No.14 of 2003.

3. It appears that there is a private dispute between the petitioner and the private respondents herein and that suits were filed in the year 2010.

4. The petitioner appears to have filed a suit in O.S.No.288 of 2010 before the District Munsif Court, Erode. Thereafter, the respondents herein filed O.S.No.259 of 2010 before the Subordinate Judges Court, Erode.

5. The facts on record are not clear as to whether the suits have been disposed during the pendency of the present writ petition or not.

6. The impugned communication of the first respondent further indicates that despite the petitioner being called to furnish the



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documents, the petitioner has not come forward and therefore the request of the petitioner was rejected.

7. Considering the above, I am inclined to dismiss this writ petition while giving liberty to the petitioner to workout his remedy in O.S.No.288 of 2010 and in O.S.No.259 of 2010.

8. It is always open for the petitioner to approach the official respondents for consideration of his representation subject to the final outcome of the proceedings in the above mentioned suits.

9. The District Munsif Court and the Subordinate Judges Court, Erode are requested to bring closure to the respective suits filed by the petitioner in O.S.No.288 of 2010 and by the private respondents in O.S.No.259 of 2010, within a period of twelve months from the date of receipt of a copy of this order, in case they have not been disposed till date.



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10. In case the suits have not been disposed till date, the respondents are directed to maintain the *status quo* till such period.

11. All the rights and privileges of the petitioner will be subject to final outcome of the proceedings that are pending in O.S.No.288 of 2010 and in O.S.No.259 of 2010 before the concerned Court.

12. This Writ Petition is dismissed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

06.07.2022

Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order

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C.SARAVANAN, J.

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