



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2022

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28490 of 2021
and W.M.P.No.30089 of 2021

M.Sampathkumar

...Petitioner

-vs-

1.The Erode Corporation rep.
By its Commissioner
Brough Road
Erode - 638 001.

2.The Assistant Engineer (i.c)
Erode Corporation Division IV
Kasipalayam
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned stop work notice dated 23.09.2021 made in Na.Ka.No.E1/613/2021 issued by the 2nd respondent, quash the same and consequently direct the respondents to process the petitioner's online application dated 10.12.2021 submitted for building plan approval to his house site measuring 2746 ½ sq.ft., comprised in T.S.No.200, Ward No.52, Block E, Erode Town.

For petitioner : Mr.N.Manokaran

For respondents : Mr.M.Raja Mathivanan
Standing Counsel



ORDER

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

By consent, this writ petition has been taken up for final disposal at the admission stage itself.

2.Mr.M.Raja Mathivanan, learned Standing Counsel takes notice for the respondents.

3.The petitioner has filed this writ petition for issuance of writ of certiorarified mandamus, to quash the stop work notice dated 23.09.2021 in Na.Ka.No.E1/613/2021 issued by the 2nd respondent, and to direct the respondents to process the online application submitted by the petitioner on 10.12.2021.

4.The petitioner would state that he purchased the property measuring to an extent of 2746 ½ sq.ft in T.S.No.1328, Ward No.23, presently Ward E, Block 17 bearing T.S.No.200 through a registered sale deed dated 11.10.1999. It is his further case that he purchased the property with building, constructed 40 years ago. Hence, he decided to demolish the same and started constructing a new building. When the construction work has 80% completed, the impugned notice has been issued by the respondents.

5.It is argued by the learned counsel for the petitioner, Mr.N.Manoharan, that the petitioner has submitted his online application dated 10.12.2021 for approval of the planning permission. The application is still pending and no action was taken by the respondents. Hence the present writ petition came to be filed before this Court.

6.The learned Standing Counsel appearing for the respondents, Mr.M.Raja Mathivanan, would state that the petitioner proceeded to construct a building to an extent of 5200 sq.ft., without obtaining planning permission and the stop work notice was issued in the month of September, 2021. The petitioner has submitted the application only in the month of December 2021. It is further stated that the 1st respondent is the competent authority to take action on the application of the petitioner and it will be done in a time frame to be fixed by this Court. He further added that it would suffice, if a direction is issued to the 1st respondent to take action on the online application submitted by the petitioner.

7.Though the petitioner has sought for larger prayer, considering the submission made by the learned counsels, this writ petition is disposed of, directing the 1st respondent to pass orders on the online application submitted by the petitioner on 10.12.2021, after affording opportunity of personal hearing to the petitioner, within a period of two months from the date of receipt of a copy of this order. Till



such time, the parties are directed to maintain status-quo as on date.

8. With the above observation, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Erode Corporation
Brough Road
Erode - 638 001.

2. The Assistant Engineer (i.c)
Erode Corporation Division IV
Kasipalayam
Erode District.

+lcc to Mr.N.Manokaran, Advocate SR. No.1191
+lcc to Mr.Raja Mathivanan, Advocate SR. No.1684
+lcc to Government Pleader SR. No.2028

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RK (CO)
PR (15/02/2022)