



W.P.No.32961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32961 of 2022

K.Anandhan

.. Petitioner

v.

1. The Assistant Director
Office of the Town and Country
Planning Department
No.6, Sannadhi (Sanctum) Street
Subramaniya Nagar, Suramangalam
Salem 636 005

2. The Commissioner
Attur Municipality
Attur 636 102
Salem District

3. Thiru C.Ravi Shankar

.. Respondents



W.P.No.32961 of 2022

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant an order of direction, directing the removal of unauthorized construction of LRC Marriage Hall situated on the Reserve Forest Road, Eastern Side, Mullaivadi Village, Attur Municipal Area, Salem District, which has been constructed without obtaining requisite approvals and contravention of the law.

For Petitioner :: Mr.K.Sakthivel

For Respondents :: Mr.P.Muthukumar
State Government Pleader for R1
Mr.B.Anand for R2
Mr.A.Rajakumar for R3

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.K.Anandhan, S/o Kannupaiyan has filed this writ petition praying for issuance of a mandamus directing the respondents to grant an order for removal of the unauthorized construction of LRC Marriage Hall situated in the Reserve Forest Road, Eastern Side, Mullaivadi Village, Attur Municipal Area, Salem District that has been constructed without obtaining requisite approval.



W.P.No.32961 of 2022

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2. Mr.K.Sakthivel, learned counsel appearing for the petitioner submitted that there was an unapproved land to an extent of 1 acre and 3856 sq.ft. owned by Mr.L.R.Chandrasekaran and his son, Mr.C.Ravishankar, the third respondent herein, where the said LRC Marriage Hall has been constructed without any approval in the nature of RCC and ACC roof building comprised in the old Survey Nos.250/4 & 250/4B and Survey Nos.248/3, 248/6, 248/7, 248/7B, 248/8 and 248/9, 247/13 situated in the Reserve Forest Road, Eastern Side, Mullaivadi Village, Attur Municipal Area, Salem District. This building was modified many times. After the death of Mr.L.R.Chandrasekaran, his wife Mrs.Ranganayagi Ammal and her son Mr.C.Ravishankar are now running the above mentioned LRC Wedding Hall without properly obtaining approval/permission from the Town and Country Planning Department of Salem. Therefore, the petitioner made an application on 22.09.2022 under the Right to Information Act requesting to provide particulars as to whether the LRC Wedding Hall has been constructed with the planning approval/permission from the Town and Country Planning Department and the petitioner also obtained information from the Public



W.P.No.32961 of 2022

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Information Officer and the Town and Country Planning Department of Salem on 20.10.2022 that the approval/permission for the Wedding Hall has not been given by their department. Again the petitioner sought for information whether the LRC Wedding Hall has been constructed with the planning permission from the Municipality and a reply has been obtained through RTI that the copy of planning permission was not available in the office file. Therefore, it shows that the third respondent is not having permission or licence to run the LRC Wedding Hall in the Reserve Forest Road in question.

3. Mr.B.Anand, learned counsel appearing for the Commissioner, Attur Municipality, the second respondent herein, refuting the contentions made by the learned counsel for the petitioner, submitted that the second respondent has granted planning permission in the year 1990. In support thereof, he has also produced the copy of the planning permission proceedings dated 27.09.90 along with the plan approval. A perusal of the same shows that the third respondent has obtained planning permission.



W.P.No.32961 of 2022

WEB COPY

4. Mr.P.Muthukumar, learned State Government Pleader appearing for the first respondent, supporting the stand of the second respondent, submitted that the information furnished by the first respondent may not be treated as authoritative, because they may not be having sufficient records to provide the information sought for by the petitioner and the petitioner should have approached the second respondent only, who used to have all the records with regard to the grant of planning permission for putting up the marriage hall and other buildings.

5. Mr.A.Rajakumar, learned counsel appearing for the third respondent also submitted that only after obtaining the planning permission from the competent authority, namely, the Commissioner, Attur Municipality, the LRC Wedding Hall has been constructed and without even knowing this factual aspect, the writ petition has been hurriedly filed. Therefore, the same is liable to be dismissed.



W.P.No.32961 of 2022

WEB COPY

6. Fully agreeing with the submissions made by the learned State Government Pleader appearing for the first respondent, learned counsel appearing for the second respondent-Municipality and the learned counsel appearing for the third respondent, we are unable to find any merit in the writ petition. The reason is that when the petitioner comes to this Court on the ground that the third respondent has put up the LRC Wedding Hall in the land covered in the old Survey Nos.250/4 & 250/4B and Survey Nos.248/3, 248/6, 248/7, 248/7B, 248/8 and 248/9, 247/13 situated in the Reserve Forest Road, Eastern Side, Mullaivadi Village, Attur Municipal Area, Salem District, this has been disproved before us with multiple documents. Firstly, the planning permission has been granted by the second respondent-Municipality on 27.09.90 in favour of the third respondent. Secondly, again when reconstruction took place, planning permission was also granted on 19.02.2003. We are able to see that the plan approval issued by the second respondent also clearly disproves the stand taken by the petitioner. Therefore, the writ petition fails and it is dismissed. Consequently, W.M.P.No.32364 of 2022 is also dismissed. There shall be no order as to



W.P.No.32961 of 2022

costs.
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Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.B.C.,J.)
08.12.2022

SS

To

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W.P.No.32961 of 2022

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D.BHARATHA CHAKRAVARTHY,J.

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W.P.No.32961 of 2022

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