



W.P.No.867 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.867 of 2018

R.Senthilkumar

.. Petitioner

Vs.

1. The District Collector
Thiruppur District.
2. The Thasildar
Kangayam, Thiruppur District.
3. The Commissioner
Kangayam Municipality
Kangayam, Thiruppur District.
4. Chinnasamy
5. The Commissioner
Directorate of Town and Country Planning
Chengalvarayan Building
No.807, Anna Salai
Chennai – 600 002.

[R5 impleaded vide order dated
27.07.2023 in W.P.No.867 of 2018]

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 3 to appropriate action against the building which was constructed by the fourth respondent un-authorisedly at Door No.14/742 in the name of Gayathri Mahal, Gayathri Hotel, Gayathri Hall and Kumaran Hall, Kangeyam, Thiruppur District under Town and Country Planning Act by considering the representation of the petitioner herein dated 12.09.2017.

For the Petitioner : Mr.P.Mohanraj
for Mr.R.Nalliyappan

For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for R1, R2 & R5

Mr.B.Anand
for R3

Mr.A.K.Sriram
Senior Counsel
for Mr.V.Balamurugan
for R4

ORDER



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(Made by the Hon'ble Chief Justice)

Heard Mr.P.Mohanraj, learned counsel appearing for Mr.R.Nalliyappan, learned counsel for the petitioner; Mr.K.M.D.Muhilan, learned Additional Government Pleader for respondents 1, 2 & 5; Mr.B.Anand, learned counsel for respondent 3 and Mr.A.K.Sriram, learned Senior Counsel appearing for Mr.V.Balamurugan, learned counsel for respondent 4.

2. Learned counsel for the petitioner submits that the fourth respondent has carried out an unauthorized construction and no action has been taken by the Planning Authorities.

3. In the counter affidavit filed by the third respondent it is stated that permission was granted to the fourth respondent to construct, however, there was some deviation in the construction. So, notice under Section 205(1)(2) of the Tamil Nadu Municipalities Act, 1920, was issued on 17.10.2017 and notice under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 20.02.2018. The fourth respondent has filed an application for regularisation and the same is pending.



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4. Learned Senior Counsel appearing for the fourth respondent submits that after obtaining permission from the Planning Authorities, the construction was carried out by the fourth respondent. There was some deviation as per the Planning Authorities, as such, an application for regularisation is made and the same is pending. Yesterday (i.e., on 22.08.2023), the fourth respondent is issued with the notice by the fifth respondent.

5. Learned counsel for the fifth respondent submits that the application for regularisation would be decided immediately within a period of eight weeks from today (i.e., 23.08.2023).

6. In view of the above, the fifth respondent may decide the application for regularisation, on its own merits, within a period of eight weeks from today (i.e., 23.08.2023). Depending upon the outcome of the application for regularisation, further steps shall be undertaken by the Authorities / parties.



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7. With these observations, the writ petition stands disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

23.08.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE

AND

P.D.AUDIKESAVALU, J.



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