



WEB COPY



W.P.No.18968 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.18968 of 2016
&
W.M.P.No.16534 of 2016

S.Kalayarassi

...Petitioner

Vs.

1.The Director of Town and Country Planning
807, Anna Salai
Chennai-600 002

2.The Commissioner
Gobichettipalayam Municipality
Gobichettipalayam-638 452
Erode District

3.Sarah Stanley

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 23.05.2016 made in na.Ka.No.103/2015/F1 passed by the 2nd respondent quash the same and consequently direct the respondents 1 and 2 to grant planning permission as per the appeal plan dated 09.05.2016 and the revised plan dated



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07.04.2016.

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For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.P.Anitha, Spl.G.P. For R1

Mr.P.Srinivas for R2

Mrs.P.T.Ramadevi for R3

ORDER

Writ Petition is filed seeking to call for the records relating to the impugned order dated 23.05.2016 made in na.Ka.No.103/2015/F1 passed by the 2nd respondent quash the same and consequently direct the respondents 1 and 2 to grant planning permission as per the appeal plan dated 09.05.2016 and the revised plan dated 07.04.2016.

2. It is the contention of the learned counsel for the petitioner that though there are some minor variations while constructing an extent of 1340 sq.ft purchased by the petitioner, the petitioner submitted a revised plan, which has been rejected. However, he has filed an appeal before the 1st respondent. Pending the appeal, the impugned notice has been issued. He would also point out that the power has been extended to the 2nd respondent to sanction the plan upto the extent of 4000 sq.ft in the respective jurisdiction. Now the appeal filed is also returned and he also



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pointed out that every building constructed in the same area, there is no set back left by the neighbouring houses. However, the petitioner alone has been discriminated and the action has been taken. To substantiate his submission he also produced the photographs to show that all the buildings have been constructed without leaving any set back.

3. In such view of the matter, the petitioner is permitted to file a fresh application before the 2nd respondent. The 2nd respondent may consider the petitioner's case on merits taking note of the locality and other buildings.

4. Though counter has been filed pointing out there are violations of set backs and plan, learned counsel appearing for the 2nd respondent would submit that if the petitioner gives a fresh application the same will be considered by the 2nd respondent on its own merits.

5. Learned counsel appearing for the 3rd respondent submits that there are certain violations.

6. Be that as it may, as the power to regularize the buildings is now



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vested with the 2nd respondent upto 4000 sq.ft. As per the proceedings in Na.Ka.No.4367/2019/Naoo2 dated 24.09.2019 the power has been granted to the 2nd respondent. Let the 2nd respondent consider the application of the petitioner and pass order taking into consideration of the location of the building and area how other buildings have been constructed. Such order shall be passed within a period of three months.

7. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

25.01.2023

kpr

Internet: Yes

Speaking/non-speaking order

Neutral Citation: Yes/No

To

1. The Director of Town and Country Planning

807, Anna Salai

Chennai-600 002

2. The Commissioner

Gobichettipalayam Municipality

Gobichettipalayam-638 452

Erode District



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N. SATHISH KUMAR, J.

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