



W.P.No.6947 of 2018

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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.AUDIKESSAVU

W.P.No.6947 of 2018

P.Selvarajan

.. Petitioner

Vs.

1. The Commissioner
Directorate of Town and Country Planning
Chengalvarayan Building
4th Floor, 807, Anna Salai
Chennai – 600 002.
2. The Deputy Directorate
Directorate of Town and Country Planning
Salem Region, 6, Sannathi Street
Subramaniya Nager, Suramangalam
Salem – 636 005.
3. The Commissioner
Attur Municipality
Municipality Office
Attur – 636 102, Salem District.
4. L.Senthil



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5. The Area Engineer/Executive Engineer
(Operation and Maintenance)
TANGEDCO, Attur Town
Salem District.

[R5 impleaded vide order dated
26.03.2018 in W.P.No.6947 of 2018]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the second and third respondents herein to comply the order dated 07.03.2017 made in K.No.100/2010/F1 passed by third respondent herein and to take action for demolition of the huge unauthorized construction of the fourth respondent premises which is situated in D.No.727/315, 729/316, 75/53, 76/53A, 77/53B, 78/53C, 81/52, 80/52A, 79/52B in T.S.No.14, Block – 26, Ward No.D, Sivaji Street & Salem to Cuddalore Main Road, Attur Municipality and Town, Salem District based on the petitioner representation dated 13.02.2017.

For the Petitioner : Mr.K.Rajasekaran

For the Respondents : Mr.KArtick Jegannath
Government Advocate
for R1 & R2

Mr.B.Anand
for R3

Mr.K.Mohana Murali
for R4

Mr.I.Syed Sibqhatullah
for R5



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.K.Rajasekaran, learned counsel for the petitioner;
Mr.KArtick Jegannath, learned Government Advocate for respondents
1 & 2; Mr.B.Anand, learned counsel for respondent 3; Mr.K.Mohana
Murali, learned counsel for respondent 4 and Mr.I.Syed Sibqhatullah,
learned counsel for respondent 5.

2. Learned counsel for the petitioner submits that the fourth
respondent has carried out an unauthorised construction.

3. According to learned counsel for the fourth respondent, the
construction was carried out only after obtaining the construction
permit. However, the planning authority alleged some deviation, for
which, an application for exemption has been filed and the said
exemption application is pending.

4. Learned Government Advocate submits that the application
for exemption would be decided within a period of eight weeks.



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5. In view of that, the respondents may decide the application pending before it, in accordance with law, within a period of eight weeks from today (i.e., 23.08.2023). Depending upon the decision taken in the application for exemption, further steps shall be taken by the parties.

6. In light of the above, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.10651 & 8602 of 2018 are closed.

(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.AUDIKESSAVALU, J.

(drm)

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