



W.P.No.15605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15605 of 2023

1.L.Kannan
2.L.Sivalila

.. Petitioners

Vs

The Commissioner,
Rasipuram Municipality,
Rasipuram,
Namakkal District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling upon the notice issued to the petitioners by the respondent dated 27.03.2023 and quash the same.

For the Petitioners : Mr.B.Jawahar

For the Respondent : Mr.T.Sampathkumar
Government Advocate



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ORDER

(Order of the court was made by *C.V.KARTHIKEYAN, J.*)

The writ petition has been filed in the nature of certiorari questioning the notice dated 27.03.2023 issued by the respondent, Commissioner, Rasipuram Municipality, Namakkal District.

2. Learned counsel appearing for the petitioners submitted that the petitioners are the owners of the building, which is said to be around 70 to 100 years old. It is stated that the said building was originally used as a theatre and now it has been let out for commercial purposes. The front portion, according to learned counsel for the petitioners, was used as a projector room and since the same was in a dilapidated condition, the roof was changed with ACC sheet and the walls were converted with shutters for usage as shops. However, the respondent had issued a notice, which is impugned herein, calling upon the petitioners to produce an approved plan for such fresh construction made by them. Learned



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counsel for the petitioners states that producing the approval plan may not be possible and, in any event, the petitioners are more agitated with the further direction of the respondent that, if the petitioners fail to produce a copy of the approved plan, the premises would be locked and sealed, which is an extreme measure.

3. Considering the submissions made by learned counsel for the petitioners, the petitioners are permitted to submit a plan for approval of the respondent Municipality within three weeks from the date of receipt of a copy of this order and if the petitioners submit a plan, it is for the respondent Municipality to consider the same in accordance with law and pass appropriate orders within a further period of three weeks. If the respondent grants approval, then the petitioners may proceed with the construction and if the approval is not granted, then the petitioners may take recourse to the remedy available in accordance with the law. It is made clear that the petitioners shall not put up any further construction until an order, as directed herein above, is passed by the respondent.



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With the above direction, the writ petition is disposed of.

There will be no order as to costs. Consequently, W.M.P.No.15100 of 2023 is closed.

(C.V.K., J.) (S.K.R., J.)
17.05.2023

Index : Yes/No
Neutral Citation : Yes
sasi/bbr

To:

The Commissioner,
Rasipuram Municipality,
Rasipuram,
Namakkal District.



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(sasi)/bbr

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