



WEB COPY



W.A.No.2166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

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

AND

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

W.A.No.2166 of 2023

Mohammed Shafi

.. Appellant

Vs

- 1 The Director
Town and Country Planning
2nd and 3rd Floors, C and E Market Road
Koyambedu, Chennai- 107.
- 2 The Deputy Director
District Town and Country Planning
No.6, Sannadhi Street
Subramani Nagar
Suramangalam, Salem - 636 302.
- 3 The Commissioner
Municipal Corporation
Idappadi Municipality
Idappadi, Salem District.

4 A.Balasubramanian

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 20.6.2019 passed by the learned Single Judge in W.P.No.998 of 2023.

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For the Appellant : Ms.C.Swetha
For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Ms.C.Swetha, learned counsel for the appellant, and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 3.

2. Learned counsel for the appellant submits that the present appellant had filed a writ petition seeking a writ of certiorari. The appellant was challenging the construction permission granted to the fourth respondent. The said permission is alleged to be obtained on the basis of the forged document.

3. According to learned counsel for the appellant, the appellant is the owner of the property. Without any right, title or interest, the fourth respondent has obtained the construction permission. The learned Single Judge did not consider the case on



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merits and only directed the third respondent to consider the objection of the appellant.

4. In writ jurisdiction, learned Single Judge could not have arrived at a conclusive finding as to the document being forged or otherwise. The learned Single Judge has followed the proper course. The objection of the appellant is directed to be considered by the third respondent, after giving opportunity to the parties. The decision is also directed to be taken within twelve weeks.

5. Learned counsel for the appellant has also further submitted that the authority has passed an order of stop-work and, as such, till the objection is decided, the status-quo be directed to be maintained.

6. The direction given by the learned Single Judge was to decide the objection of the present appellant within twelve weeks. Almost eight weeks have already lapsed. The learned Single Judge has taken a balanced view of the matter.



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7. In view of that, no further orders are necessary in the present appeal.

The writ appeal, as such, is disposed of. There will be no order as to costs. Consequently, C.M.P.No.18552 and 18554 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

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

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

(sasi)

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