



W.P.No.33786 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33786 of 2023

M.Arun

.. Petitioner

Vs.

1. The Director
O/o. The Director
Town and Country Planning
2, 3, 4th Floors, C&E Market Road
Koyambedu, Chennai 600 120.
2. The District Collector
Tiruppur District
Tiruppur.
3. The Commissioner
Tiruppur Municipality
Tiruppur.
4. The Assistant Director
Town and Country Planning Department
Tamil Nadu T&C Planning Office
1st Floor, Kumaran Commercial Complex
Tiruppur 641 601.



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5. KPK Hotels Pvt Ltd.
Rep. by its
No.15, Gandhi Road
Velampalayam
Kovai Department Backside
Tiruppur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to initiate action against the building situated at No.15, Gandhi Road, Velampalayam, Kovai Department Backside, Tiruppur based upon the representations of the petitioner herein dated 22.06.2023 and 08.11.2023.

For the Petitioner : Mr.J.Ramesh
For Mr.T.Balaji

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1, 2 & 4

Mr.Abhishek Murthy
Standing Counsel
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Ramesh, learned counsel for Mr.T.Balaji, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for the respondents 1, 2 and 4 and Mr.Abhishek Murthy, learned Standing Counsel for the third respondent.



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2. Learned counsel for the petitioner submits that the fifth respondent has carried out illegal construction after purchasing the property in an auction conducted under SARFAESI Act. Without permission, ten floors are constructed. Earlier, there were six floors. The construction is not in accordance with construction permission.

3. In the present writ petition, it would not be possible for us to pass any orders in the absence of relevant documents on record. The third respondent is the planning authority. It is for the third respondent to consider whether the construction is in accordance with the sanctioned permission and law.

4. With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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