



WEB COPY



WP.No.572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.572 of 2024
WMP.No.555 of 2024

M/s.JPM Mahal, by its Proprietor J.Murugan
Vellore 632012

Petitioner

Vs

1. The Commissioner, Vellore City Municipal Corporation
Vellore
2. The Assistant Commissioner, Zone II, Vellore City
Municipal Corporation, Vellore

Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the 2nd Respondent relating to the Notice-I under the heading of unauthorised construction dated 16.10.2023 vide UAC 09/2023/F1 issued under Section 133(5), 135(1) and (2) and 180 of the Tamil Nadu Urban Local Bodies Act, 1998 and the subsequent confirmation Notice-II dated 28.11.2023 vide UAC 12/23/F1 issued under Section 135(4) and 180 of the Tamil Nadu Urban Local Bodies Act, 1998 and to quash the same.

For Petitioner : Mr.Karthikaa Ashok

For Respondents : Mr.P.S.Prabu, SC-RR1&2



WP.No.572 of 2024

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition has been filed to issue a Writ of Certiorari to call for the records of the 2nd Respondent relating to the Notice-I under the heading of unauthorised construction dated 16.10.2023 vide UAC 09/2023/F1 issued under Sections 133(5), 135(1) and (2) and 180 of the Tamil Nadu Urban Local Bodies Act, 1998 and the subsequent confirmation Notice-II dated 28.11.2023 vide UAC 12/23/F1 issued under Sections 135(4) and 180 of the Tamil Nadu Urban Local Bodies Act, 1998 and to quash the same.
2. This Court heard the learned counsel for the Petitioner and the learned counsel for the Official Respondents and also perused material records placed before this Court.
3. The Petitioner has challenged the notice issued by the 2nd Respondent, directing the Petitioner to stop construction immediately and to submit an application for regularisation of the building. The impugned notice further reads as to why the order should not be confirmed if no explanation is offered by the Petitioner within 15 days. The impugned notice indicates that the construction is without planning permission. The confirmation notice dated 28.11.2023 also reads as if the entire construction is unauthorised ignoring the approval granted to the Petitioner.
4. The learned counsel for the Official Respondents would submit that the Petitioner has put up a marriage hall even though the planning permission was obtained for a commercial building. It is further stated that the Petitioner



WP.No.572 of 2024

has violated the building regulations without providing set back on all four sides and the other requirements under the Combined Building Regulations, 2019.

5. Considering the case pleaded by the learned counsel for the Official Respondents, this Court is unable to sustain the order passed by the 1st Respondent impugned in the Writ Petition. The impugned order is following a show cause notice on the premise that the Petitioner has put up unauthorised construction without getting planning approval. The submissions of the learned counsel for the Official Respondents is about the deviations in the construction in deviation of the building plan approval granted to the Petitioner. Therefore, this Writ Petition is allowed, setting aside the impugned order of the 2nd Respondent for non application of mind. However, liberty is given to the Respondents, after making inspection of the building, to issue notice to the Petitioner pointing out the deviation and violation for further action in accordance with law. Once a show cause notice is issued, it is open to the Petitioner to give his objections. It is also open to the Petitioner to seek regularisation for any violation if it is permissible in accordance with law. No costs.

(S.S.S.R.J.) & (N.S.J.)
10.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm



WEB COPY



WP.No.572 of 2024

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

1. The Commissioner, Vellore City Municipal Corporation
Vellore
2. The Assistant Commissioner, Zone II, Vellore City
Municipal Corporation, Vellore

WP.No.572 of 2024

10.06.2024