



W.P.No.10522 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.10522 of 2020

Anjali Iyer

..

Petitioner

v.

1. The Director of Town and Country Planning
Directorate of Town and Country Planning
Opposite to LIC, Chengalvarayan Building,
Fourth Floor, No.807, Anna Salai
Chennai 600 002
2. The Member Secretary/Commissioner
Directorate of Town and Country Planning
Opposite to LIC, Chengalvarayan Building
Fourth Floor, No. 807, Anna Salai
Chennai 600 002
3. The Deputy Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road
Corporation Shopping Complex
Coimbatore 641 018



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4. The Member Secretary
Coimbatore Local Planning Authority
Corporation Shopping Complex
First Floor, Raju Naidu Street
Sivananda Colony
Coimbatore 641 012

5. The Executive Officer
90, T.T.S.Thippaya Street
Dhaliyur
Coimbatore 641 109

6. Ananya Shelters Private Limited
618/1A, Kasthurinaicken Palayam Post
Vadavalli, Coimbatore,
Tamil Nadu 641 014

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first to fifth respondents to take action against the sixth respondent for gross violation of the approvals granted by the first to fifth respondent in orders viz., (i) order of the second respondent herein dated 10.02.2014 in Na.Ka.No.18958/2013/CP (ii) order of the fourth respondent dated 06.03.2014, Planning Permit No.59-A1 to A25/2014 in Na.Ka.No.5233/2013/LPA-1 and (iii) order of the fifth respondent dated 14.03.2014 Building Permission No.260 to 283/2013-14 in Na.Ka.512/2013.

For Petitioner :: Mr.G.Vivekanand

For Respondents :: Mr.R.Vigneshwaran
Government Advocate for R1 to R4
No appearance for R5
Mr.Aswin Prasanna for R6



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ORDER

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

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This writ petition is filed for issuance of a mandamus directing the first to fifth respondents to take action against the sixth respondent for gross violation of the approvals granted by the first to fifth respondents in orders, viz., (i) order of the second respondent herein dated 10.02.2014 in Na.Ka.No.18958/2013/CP; (ii) order of the fourth respondent dated 06.03.2014, Planning Permit No.59-A1 to A25/2014 in Na.Ka.No.5233/2013/LPA-1 and (iii) order of the fifth respondent dated 14.03.2014 Building Permission No.260 to 283/2013-14 in Na.Ka.512/2013.

2. The sixth respondent is the promoter and the petitioner purchased a dwelling unit out of 290 dwelling units constructed by the sixth respondent. The petitioner, after purchasing the property, realised that the construction is not in accordance with the approved plan and the areas which were earmarked for open space reservation and other facilities, are sought to be



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utilised for some other project, for which the petitioner has serious objections. The petitioner states that she has submitted a representation dated 19.11.2019 before the respondents 2 & 4. The grievance of the petitioner is that the representation of the petitioner to take action against the promoter for illegal demolitions and unauthorized constructions in contravention of various development regulations and the statutes, has not been considered till date. Hence, the present petition.

3. The fourth respondent appears to have issued notice to the local body to take action against the violation.

4. Considering the nature of grievance expressed by the petitioner and the stand taken by the contesting respondent in the counter affidavit, this Court is of the view that the representation of the petitioner dated 19.11.2019 can be disposed of after giving an opportunity to the petitioner as well the contesting respondent, namely, sixth respondent in accordance with law. Therefore, without expressing any opinion on the merits of the petitioner's representation, this Court directs the respondents 2 & 4 to



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consider the application for building approval or revised plan that is submitted by the contesting respondent, if any, and pass orders in accordance with law, after giving an opportunity of hearing to the petitioner as well as the contesting respondent, and based on the orders passed by the respondents 2 & 4 regarding the approval being granted to the building plan, the fifth respondent is further directed to pass appropriate orders in the matter within a period of twelve weeks from the date of receipt of copy of the order or proceedings from the respondents 2 & 4. With these directions, the writ petition stands disposed of. Consequently, W.M.P.Nos.12781 & 12783 of 2020 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
20.03.2024

SS

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