



W.P.(MD) No.15948 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.15948 of 2013
and M.P.(MD)No.1 of 2013

P.Jothiammal

... Petitioner

Vs.

- 1.The Director,
Town & Country Planning Department,
Chennai
- 2.The Assistant Director,
Town & Country Planning Department,
14, Vaithianathar, Senaiya Nagar,
Madurai - 2.
- 3.The Commissioner,
Town & Country Planning Department,
807, Anna Salai, Chennai - 2.



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4. The Managing Trustee,
Sree Krishna Educational Trust,
No.559, KMV II State,
New BEL Road, Bangalore - 94.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made by 4th respondent in Survey Nos. 1449, 1452 to 1456, 1459 to 1462, 1468, 1470, 1473 to 1475, 1483 to 1487, 1491 to 1493, 1494, 2407 to 2412, 2476, 2480 to 2483, 2486, 2491 to 2499, 2508, 2514, 2516, 2523 situated in Kullapuram Village Panchayat, Periakulam Taluk, Theni District.

For Petitioner : Mr.Mohamed Rafi
for M/s.Ajmal Associates

For Respondents : Mr.N.Satheeshkumar,
Addl. Govt. Pleader for R1 to R3
Mr.Prithiviraj for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made



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by 4th respondent in Survey Nos. 1449, 1452 to 1456, 1459 to 1462, 1468, 1470, 1473 to 1475, 1483 to 1487, 1491 to 1493, 1494, 2407 to 2412, 2476, 2480 to 2483, 2486, 2491 to 2499, 2508, 2514, 2516, 2523 situated in Kullapuram Village Panchayat, Periakulam Taluk, Theni District.

2. When the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the fourth respondent has filed a Writ petition before this Court in W.P.(MD)No. 1643 of 2015 seeking to process the application, which was filed for sanctioning of building plan permission. In the said Writ Petition, it was represented that the said application was resubmitted and it is presently pending on the file of the first respondent. This Court, by an order dated 22.08.2023, disposed of the Writ petition stating that it is for the first respondent to process the said application and pass final order on merits and in accordance with law and also granting liberty to the fourth respondent to pursue the matter before the first respondent.



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3. Considering the said fact, we are of the view that the prayer sought for in the Writ Petition has become infructuous. However, liberty is granted to the petitioner to make any objections before the authority concerned at the time of considering the application submitted by the fourth respondent for sanctioning of the building plan permission.

4. With the above liberty, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [M.S.K., J.]
08.01.2024

Neutral Citation: Yes / No
Index : Yes / No
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