



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD)No.14412 of 2015

and

M.P. (MD)No.1 of 2015

A.K.Mohammed Farook

... Petitioner

Vs.

1.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai - 600008.

2.The Assistant Director,
Local Planning Authority,
51, West Car Street,
Thoothukudi - 628002.

3.Thoothukudi Municipal Corporation,
Represented by its Commissioner,
Palayamkottai road,
Thoothukudi - 628002.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records or files of the second respondent pertaining to its order bearing Na.Ka.No.1250/2012 TULPA, dated 04.08.2015 and quash the same and consequently, direct the respondent to consider the plan approval submitted by the petitioner on 28.07.2015, within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

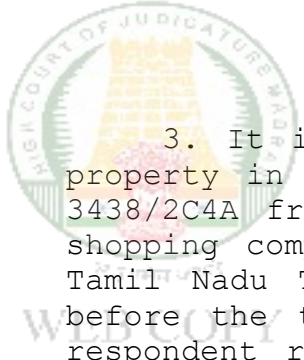
For Respondents : Mr.K.Mahesh Raja,
Government Advocate

ORDER

The Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records or files of the second respondent pertaining to the order bearing Na.Ka.No.1250/2012 TULPA, dated 04.08.2015 and quash the same and consequently, direct the respondents to consider the plan approval submitted by the petitioner on 28.07.2015, within a stipulated time.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.



3. It is averred in the petition that the petitioner purchased the property in Thoothukudi Corporation Ward 4, Block 21B, T.S.No.3438/2C3B, 3438/2C4A from Tmt. A.Chithirasool Beema and he proposed to construct a shopping complex in the said land. Therefore, as required under the Tamil Nadu Town and Country Planning Act 1971, he made an application before the third respondent on 03.10.2012. On 25.10.2012, the third respondent rejected his request by quoting certain deficiencies. On receipt of the same, the petitioner approached the third respondent and informed that the papers were forwarded to the second respondent. However, the petitioner was directed to stop the work in case he failed to produce the copy of the approved plan within three days. On receipt of the said communication, he made a request on 26.11.2012 seeking six weeks time. Subsequently, on 14.12.2012 the second respondent issued a show-cause notice to show cause as to why the notice, dated 25.10.2012, should not be confirmed. On 17.12.2012, the petitioner sent a reply to the said show-cause notice and sought for further time. In the meantime, on 28.07.2014, the petitioner received another notice under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. Since the petitioner was suffering from cardiac problem, in the month of August, 2014, he sent a reply explaining the position. Thereafter, on 28.07.2015, he submitted a revised plan along with an application. But, without considering the same, the second respondent issued the impugned notice. Hence, the petitioner has come forward with this Writ Petition for the above stated relief.

4. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that the petitioner submitted an application on 28.07.2015 and the same would be disposed of as expeditiously as possible.

5. Considering the submissions made on either side, the Writ Petition is allowed. No Costs. The order of the second respondent dated, 04.08.2015, is quashed and second respondent is directed to dispose of the application filed by the petitioner, dated 28.07.2015 on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. Till such time, status quo as on date shall be maintained. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Town and Country Planning,
807, Anna Salai,
Chennai - 600008.



2. The Assistant Director,
Local Planning Authority,
51, West Car Street,
Thoothukudi - 628002.

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3. The Commissioner, Thoothukudi Municipal Corporation,
Palayamkottai road,
Thoothukudi - 628002.

+1cc to M/S.S.C. Herold Singh, Advocate in SR.No 45640

TS/13.08.2015/2P - 5C AMF/SAR -II

W.P. (MD) No.14412 of 2015

11.08.2015