



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.21177 of 2014

WEB COPY

Abdul Rahman

... Petitioner

Vs.

1. The Commissioner,
Town and Country Planning Authority,
No.807, Annasalai,
Chennai.

2. Tuticorin Local Planning Authority,
represented by Member Secretary,
51, Melarathaveedi,
Tuticorin-2.

3. The Commissioner,
Tuticorin Corporation,
Tuticorin.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the application of the petitioner dated 30.10.2013 forthwith and forbear the respondents from interfering with the peaceful possession and enjoyment of the property by the petitioner in T.S.No.3879, Ward-4, Block-29, Door Nos.7B,7C,7D,7E and 7F at Toovipuram, Tuticorin.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.S.Satheesh Kumar

Additional Govt. Pleader

O R D E R

The Writ Petition has been filed for a Mandamus directing the first respondent to consider the application of the petitioner dated 30.10.2013 forthwith.

2. According to the petitioner, originally he submitted an application before the local authority and the same was returned. <https://hccse.court.gov.in/hccse/hccse/> submitted an application before the appellate authority representing the same. In the mean while, the authority has also sealed the premises stating that it is an unlawful



construction. Therefore, he would contend that the application which is filed before the appellate authority may be considered as an appeal and further orders may be passed.

3. The learned Additional Government Pleader would contend that without getting any approval, the petitioner has already finished the construction. Therefore, necessary action including sealing of the building has been taken by the respondents. The present application which is sought to be treated as an appeal cannot be treated if at all and he has to file a new application. Therefore, the present writ petition is not maintainable.

4. Heard both sides.

5. Since the petitioner has already completed the construction without approval and the premises has also been sealed, the question of considering the alleged application at this point of time treating as an appeal cannot be directed to be considered. Now what requires the petitioner is that he has to apply afresh seeking for permission after complying with the necessary formalities in accordance with law.

With the above observation, the writ petition is disposed of.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Town and Country Planning Authority,
No.807, Annasalai,
Chennai.
2. The Member Secretary,
Tuticorin Local Planning Authority,

51, Melarathaveedi, Tuticorin-2.
3. The Commissioner, Tuticorin Corporation, Tuticorin.

+One cc to Mr.J.Anandkumar, Advocate, SR.No.1128

+One cc to The Special Government Pleader, SR.No.1379
akv

RL/6 c- 5/2/2015

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