

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25371 of 2015

Rajendran

... Petitioner

Vs.

The President cum Executive Authority
Poravacherry Panchayat
Sikkal Post - 611 108,
Nagapattinam Taluk and District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of mandamus directing the respondent to consider the application of petitioner dated 10.9.2014 for approval of building plan for construction of his house in New Survey Number 179/23 and 179/24 in Thandapani koil Street, Poravacherry, Sikkal Post - 611108, Nagapattinam Taluk and District.

For Petitioner : Mr.S.Sounthar

For Respondent : Mr.M.F.Raniselvam,
Addl.Govt.Pleader

ORDER

The petitioner has filed an application on 10.9.2014 for approval of building plan for construction of his house in New Survey Number 179/23 and 179/24 in Thandapani koil Street, Poravacherry, Sikkal Post - 611108, Nagapattinam Taluk and District. As the same is still pending and not considered by the respondent, it necessitated the petitioner to approach this Court.

2. The petitioner would state that based on a Mutchilaka, which was entered into between the petitioner and his brothers - Singaravelu and Ganesan, the Tahsildar, Nagapattinam has passed order on 28.2.2011 effecting sub-division. The petitioner would state that all the revenue records stand in his name. As on date, he is the rightful owner of the property.

3. Learned Additional Government Pleader appearing for the respondent on instructions has submitted that the petitioner's brother - Singaravelu has given an objection on 1.8.2014 and therefore the matter has been kept pending for verification of details and the Village Administrative Officer has been addressed for furnishing appropriate information.

4. Though there might have been objection made by the petitioner's brother, the respondent Panchayat has to examine the tenability of the application dated 10.9.2014 made by the petitioner, especially when the petitioner would state that by the proceedings of the Tahsildar dated 28.2.2011, sub-division of the property has been effected in his favour. So, even assuming that the petitioner's brother claims certain right over the property, it is for him to approach the Civil Court and obtain appropriate orders. Therefore, as long as respondent - Panchayat is satisfied with the petitioner's right over the property they have to proceed in accordance with law. Accordingly, respondent is directed to take a final decision on the petitioner's application for building plan permission taking note of the pendency of the application of the petitioner dated 10.9.2014 for planning permission and after verifying the necessary revenue records. The said direction shall be complied with by the respondent within a period of eight weeks from the date of receipt of copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The President cum Executive Authority,
Poravacherry Panchayat,
Sikkal Post - 611 108,
Nagapattinam Taluk and District.

+1cc to Mr.S.Sounthar, Advocate Sr.12659

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kji (CO)
srg(14/03/2016)