

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-02-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.4657 of 2016

A.K. Subramanian

.... Petitioner

vs

The Executive Officer,
Athani First Grade Town Panchayat,
Athani Village,
Andhiyur Taluk,
Erode District

..... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the entire records which culminated in the proceedings in Na.Ka.No.60/2015 dated 12.01.2016 on the file of the respondent, quash the same and consequently direct the respondent to accord building permission in favour of the petitioner for the proposed construction in Re-survey No.442/4, Old Survey No.58-A and 57-A measuring 50 cents at Ward No.5, Kamarajar Salai, Athani Village and Town Panchayat, Anthiyur Taluk, Erode District for establishing within a time limit.

For petitioner : Mr.P. Ganesan

For respondent : Mr.R.M. Muthukumar,
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the entire records which culminated in the proceedings in Na.Ka.No.60/2015 dated 12.01.2016 on the file of the respondent, quash the same and

consequently direct the respondent to accord building permission in favour of the petitioner for the proposed construction in Re-survey No.442/4, Old Survey No.58-A and 57-A measuring 50 cents at Ward No.5, Kamarajar Salai, Athani Village and Town Panchayat, Anthiyur Taluk, Erode District for establishing within a time limit.

2. Mr.R.M. Muthukumar, learned Government Advocate, appearing for the respondent, submitted that in view of the provisions of Sec.250 of the Tamil Nadu District Municipalities Act, the respondent may be directed to reconsider the petitioner's application and pass fresh orders in accordance with law.

3. As per Sec.250 of the Tamil Nadu District Municipalities Act, for submission of application for putting up construction to establish or install factory, workshop or work place, the application should specify the maximum number of workers proposed to be employed. A plan should be enclosed in respect of the factory, workshop, workplace or premises and to provide such other particulars relating to power, machinery, plant etc. As per Sub Sec.3 of Sec.250, when such application is received, the Municipality or Local Body, as the case may be shall grant the permission subject to imposition of such condition as may be necessary.

4. According to the petitioner, as per the provisions of Sec.250 of the Tamil Nadu District Municipalities Act, the petitioner has provided all requisite details to the authorities concerned, however, the respondent rejected the application on untenable and vexatious grounds.

5. Since the respondent had not considered the documents, provided by the petitioner, I am of the view that the impugned order dated 12.01.2016 is to be set aside and the matter should be remanded back to the respondent for fresh consideration.

6. In these circumstances, the impugned order dated 12.01.2016 is set aside and the matter is remanded back to the respondent for fresh consideration, taking into consideration of Sec.250 of the Tamil Nadu District Municipalities Act and pass fresh orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner within a period of four weeks from the date of receipt of copy of this order.

7. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

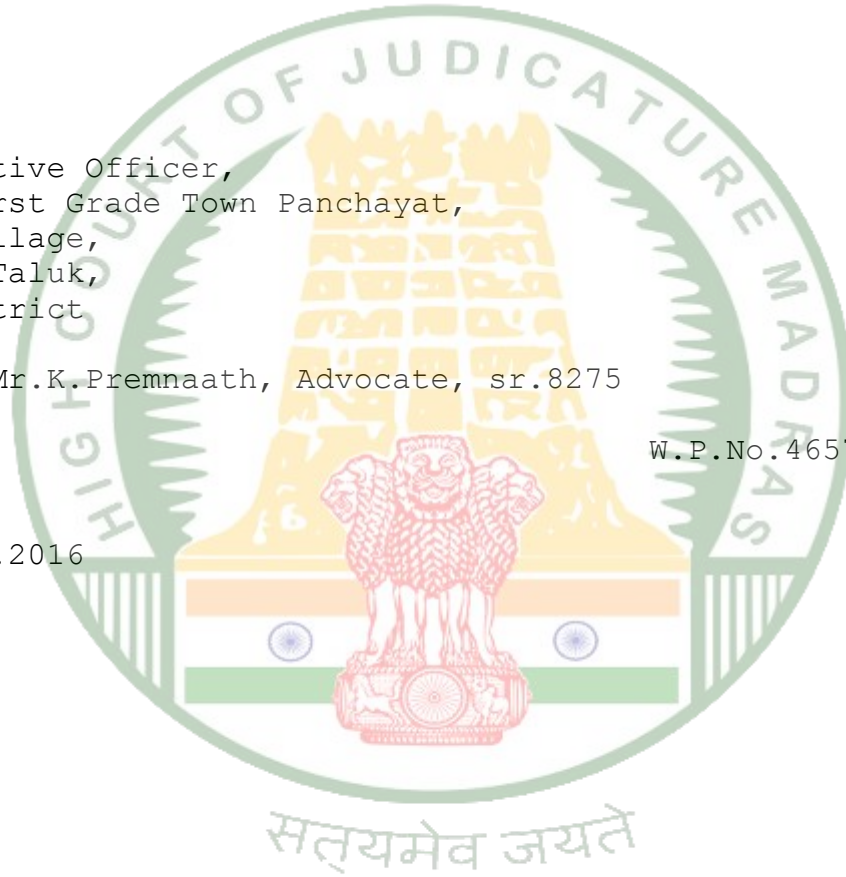
To

The Executive Officer,
Athani First Grade Town Panchayat,
Athani Village,
Andhiyur Taluk,
Erode District

+1 cc to Mr.K.Premnaath, Advocate, sr.8275

W.P.No.4657/2016

ug co
kra 12.02.2016



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