

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.9280 of 2016

Ramasamy

...Petitioner

Vs

1. The Collector,
Tiruppur District.

2. The President,
Kanakampalayam Village Panchayat,
Kanakampalayam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to grant building approval plan to construct a workshop shed at Survey Number 117/2, by considering the petitioner's representation, dated 08.01.2016.

For Petitioner : Mr.S.Aqtib Shah
For Respondent-1 : Mr.R.Rajeswaran
Special Government Pleader
For Respondent-2 : Mr.V.S.Ramesh
Government Advocate

O R D E R

Heard Mr.S.Aqtib Shah, the learned counsel appearing for the petitioner, Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice for first respondent, and Mr.V.S.Ramesh, learned Government Advocate, who accepts notice for second respondent, and with their consent, the main Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus upon the second respondent to grant building approval plan to the petitioner to construct a workshop shed in the property comprised in Survey Number 117/2, by considering the petitioner's representation, dated 08.01.2016.

3. The learned counsel appearing for the petitioner submitted that the petitioner has produced all the documents to show that he is lawfully entitled to the property, in question,

and enclosed a copy of i) Sale Deed, dated 24.05.1967, ii) Partition Deed, dated 07.01.2009, iii) Encumbrance Certificate for the period from 01.01.1987 to 05.01.2016, dated 06.01.2016, and complied with all necessary formalities. However, the petitioner's representation/Application for the aforesaid prayer, is still kept pending.

4. The learned Government Advocate for the second respondent, on instructions, submits that there is a Suit pending, wherein, written statement has been filed raising objection.

5. In the light of the above, the direction, as sought for herein, cannot be granted. Thus, while declining to grant any positive direction to grant planning permission, there will be a direction to the second respondent to consider the petitioner's representation/Application, dated 08.01.2016, and inform the petitioner, as to why his application cannot be considered, so as to enable the petitioner to workout his remedy in the manner known to law. The second respondent is directed to comply with the direction issued herein within a period of three weeks from the date of receipt of a copy of this order.

6. In the result, the Writ Petition is disposed of. No costs

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sd

To

1. The Collector,
Tiruppur District.

2. The President,
Kanakampalayam Village Panchayat,
Kanakampalayam

+1 cc to the Government Pleader HighCourt Madras
sr.16038

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