



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.13072 of 2016

Shanthi Arvind

... Petitioner

Vs

1.The Local Planning Authority,
rep.by Member Secretary,
Tirunelveli-2,
Tirunelveli District.

2.The Tirunelveli Municipal Corporation,
rep.by its Commissioner,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent pertaining to its order bearing No.Ka.V.No.185/2012/TP1 dated 13.06.2016 and to quash the same and consequently direct the respondent to extend the time granted for completing the construction for another 1 year so as to enable the petitioner to complete the construction made in her property in survey No.1280/1,1281,1282/1 of Thatchanaloor Village by considering the application of the petitioner dated 07.04.2014

For petitioner : Mr.S.C.Herold Singh

For R.1 : Mr.G.Muthukannan
Government Advocate

For R.2 : Mr.Ayiram K.Selvakumar
Government Advocate

ORDER

Mrs.Shanthi Aravind has come forward with this Writ Petition to direct the authorities for granting extension of time to complete the construction put up by her in respect of the properties, referred to in the Writ Petition.

2. The case of the petitioner is that the first respondent herein granted approval to the petitioner for building with the time limit from 13.07.2010 to 12.07.2013 through his proceedings dated 13.07.2010. But the second respondent, through his proceedings, dated 18.05.2012, has



reduced the time limit from 18.05.2012 to 17.05.2014. Therefore, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submitted that when the first respondent granted time for a period of three years, the second respondent arbitrarily cannot reduce the same, as a result, the petitioner is unable to complete the construction within the time stipulated by the first respondent. Therefore, if one more year is granted to the petitioner, she will be in a position to complete the construction.

4. Mr.M.Muthukannan and Mr.Ayiram K.Selvakumar appearing for Respondents 1 and 2 respectively, fairly endorsing the submission of the learned Counsel for the petitioner stated that, as per Rule 50 of the Tamil Nadu Town and Country Planning Act 1971, the period in question shall be three years from the date of such permission.

5. Considered the submissions made on behalf of the parties and perused the materials available on record.

6. A perusal of Rule 50 of the Tamil Nadu Town and Country Planning Act 1971, would clearly show that the period in question shall remain in force for three years from the date of permission. Admittedly, the second respondent has reduced the time limit given by the first respondent. It is more useful here to extract below the said Rule for better appreciation of the case:-

"50.Duration of permission:- Every permission for development granted under Section 49 shall remain in force for a period of three years from the date of such permission:-

Provided that the appropriate planning authority may, on application made in this behalf before the expiry of the afore-said period, extend such period for such time as it may think proper; but such extended period shall, in no case, exceed three years:

Provided further that any expiry of permission shall not bar any subsequent application for fresh permission under this Act."

7. In the case on hand, admittedly, the petitioner has exhausted two years period. There is no quarrel over it. Now, as per the provision and also as per the order of the first respondent, the petitioner needs one more year to complete the construction in respect of the properties referred to in the Writ Petition. As per Rule 50 of the Tamil Nadu Town and Country Planning Act 1971, this Court deems it fit to grant one more year



to the petitioner. Therefore, the order impugned in this Writ Petition stands set aside and the petitioner is granted one more year from 30.08.2016 onwards, to complete the construction.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

1. The Member Secretary,
The Local Planning Authority,
Tirunelveli-2,
Tirunelveli District.

2. The Commissioner,
The Tirunelveli Municipal Corporation,
Tirunelveli District

+1cc to Mr. S. C. Herold Singh, Advocate SR.No.43231
+1cc to Mr. Aayiram K. Selvakumar, Government Advocate Sr.NO.43769
+1cc to special Government Pleader SR.No.43251

ssm
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