

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2017

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
&
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.28099 of 2017
&
W.M.P.No.30192 of 2017

S. Nandhikesavan

..Petitioner

Vs.

1. The District Collector,
District Collector Office,
Sathuvachari, Vellore -9
2. The Executive Officer,
Natrapalli Town Panchayat,
Natrapalli 635 852.
3. The Assistant Director of Town Panchayat,
District Collector Office,
Sathuvachari, Vellore -9
4. The Deputy Director, (Vellore Region)
Town and Country Planning Authority,
Near Murugan Cinema Theatre,
No.239, Phase II,
Sathuvachari, Vellore -9.
5. The Divisional Engineer,
High Ways Department Office,
Asiriyar Nagar, Thirupattur 635 601
Vellore District.
6. B. Mani
7. P. Aparanchi

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus, directing the respondents to consider the petitioner's representation, dated 08.08.2017 and not to grant plan approval to the seventh respondent for putting up construction in the land, comprised in S.No.271B/1-271B/2A, New S.No.271B3, measuirng an extent of 731 sq. ft., Natrapalli Town Panchayat, Vellore District.

For Petitioner : Mr. R. Subramanian
For Respondents : Mr.T.N.Rajagopalan
1to 5 : Government Pleader (i/c)

ORDER

(Judgement of the Court was delivered by T.S.Sivagnanam, J.,)

Heard Mr. R. Subramanian, the learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, the learned Government Pleader (i/c) for the respondents 1 to 5.

2. The petitioner has filed this Writ Petition, styled as Public Interest Litigation to direct the second respondent to consider his representation, dated 08.08.2017, and not to grant plan approval for the seventh respondent for putting up construction in the land, comprised in S.No.271B/1-271B/2A, New S.No.271B/3, measuring an extent of 731 sq.ft., situated at Natrampalli Town Panchayat, in Vellore District.

3. The second respondent cannot be restrained from exercising his statutory powers, if an application is submitted before him for grant of planning permission, and all that, he can do is to examine the merits of the application, and if the application fulfills the provisions of the relevant statute, covering such approvals, it is open to the second respondent to grant planning permission.

4. Hence, no direction, as sought for by the petitioner, in this Writ Petition can be granted, as it would amount to putting fetters on the exercise of the statutory powers of the second respondent. However, if there is any serious violation, as alleged by the petitioner, it is always open to the petitioner to pursue his representation before the second respondent.

5. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm/sd

To

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Vellore District.

+ 1 cc to MR. R. Subramanian, Advocate SR.88433
+ 1 cc to Government Pleader SR.88528

W.P.No.28099 of 2017

(CCC)
EU(09/01/2018)

सत्यमेव जयते

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