



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 10961 of 2015

and

M.P (MD) No. 2 of 2015

T. Thankaraj

... Petitioner

Vs.

1. The Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.

2. The Executive Officer,
Aloor Panchayat,
Aloor Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records of the 2nd respondent relating to his proceedings in Na.Ka.NO. 212/2014/A1 dated 24.04.2015 and quash the same and consequently directing the 2nd respondent to give Building Plan Approval to the petitioner's house situated in R.S No. 338/4 in Aloor village, Kalkulam Taluk, Eraniel Sub Registration District in Kanyakumari District based on the representation of the petitioner dated 23.10.2014 and 13.01.2015 and pass such further or other orders.

For Petitioner	: Mr.D.Srinivasaragavan
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Advocate for R.1 Mr.M.Rajarajan for R.2

O R D E R

The petitioner is before this Court, questioning the impugned order of the second respondent dated 24.04.2015, vide which, his request for building plan approval came to be rejected and the petitioner has also sought a direction to grant plan approval by considering his representation dated 13.01.2015.

2. Upon notice, the learned Counsel appearing for the second respondent, on instructions, submitted that since the petitioner



sought plan approval for an unapproved layout, the authorities, having left with no other option, had rejected his claim.

3. Heard both sides and perused the documents placed on record.

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4. It is seen that the petitioner's claim came to be rejected, on the sole ground that the layout was not an approved one. It is a common knowledge that the Government has introduced certain guidelines to regulate the unapproved layouts and hence, granting liberty to the petitioner to approach the authority concerned along with a proper representation / petition, within a period of two weeks from the date of receipt of a copy of this order, this writ petition is disposed of. It is needless to mention here that in the event of the petitioner filing his petition, as stated above, the authorities shall consider the same and pass appropriate orders, in the manner known to law. Till such time, the interim order already granted in this petition, is extended. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Aloor Panchayat,
Aloor Post,
Kanyakumari District.

+1cc to Mr.D.SRINIVASARAGAVAN Advocate in SR. No. 86694

GK

JS/SV.MMS/SAR.1/27.11.2017/2P-4C

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