



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.19837 of 2015 and
M.P.(MD) Nos.1 to 3 of 2015

Varatharaj

... Petitioner

-vs-

1. The District Collector,
Karur District, Karur.
2. The Commissioner,
Karur Municipality,
Karur District.
3. The Senior Town Planning Officer,
Karur Municipality,
Karur District.
4. P.Surendra Babu.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.1479/2015/F1 dated 17.06.2015 and quash the same and consequently direct the 2nd and 3rd respondents to receive the application from the petitioner for granting plan approval to the petitioner's property in S.F.No.139/1A situated at Thanthoni Village, Karur, Karur District.

For Petitioner : Mr.S.Gokul Raj
For R1 : Mr.N.S.Karthikeyan
Addl. Govt. Pleader
For R2 : Mr.D.Raghu
For R3 : Mr.K.Balasubramani Mittun
For R4 : Mr.N.Shanmuga Selvam

O R D E R

This writ petition has been filed, seeking to quash the order of the 2nd respondent dated 17.06.2015 passed in Na.Ka.No.1479/2015/F1, by which, the 2nd respondent refused to receive the application seeking approval for the petitioner's property. The petitioner also sought a direction to the 2nd and 3rd respondents to



receive the application from the petitioner for granting plan approval to the petitioner's property in S.F.No.139/1A situated at Thanthoni Village, Karur, Karur District.

2. Heard the learned counsel for the parties.

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3. The case of the petitioner is that pursuant to the objection made by the 4th respondent herein, the 3rd respondent, who has to forward the application to R2, has not even accepted the application filed by the petitioner for grant of plan approval in respect of the petitioner's property, stating that a civil suit in O.S.No.58 of 2015 is pending before the Sub Court, Karur. It is the further case of the petitioner that before entertaining the application, the 2nd respondent had considered the objections of the 4th respondent and passed the impugned order. Aggrieved by the same, the petitioner is before this Court, seeking to quash the same.

4. The learned Standing Counsel appearing for the 2nd respondent has submitted that without submitting any application, the petitioner has approached this Court and the concerned authority, who passed the impugned order has not even received the application of the petitioner.

5. Under such circumstances, in order to give quietus to the issue, the petitioner is directed to submit an application along with a copy of this order to the 2nd respondent and on such application/representation being filed, the 2nd respondent is directed to consider the same on merits and in accordance with law, if there is no impediment for the respondent to do so, after affording an opportunity of hearing to the petitioner and other interested parties, if any. It is needless to mention here that while passing orders, the 2nd respondent shall take into consideration the pendency of the suit in O.S.No.58 of 2015 on the file of Sub Court, Karur.

With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To:

<https://hcservices.ecourts.gov.in/hcservices/>

1. The District Collector,
Karur District, Karur.



2. The Commissioner,
Karur Municipality,
Karur District.

3. The Senior Town Planning Officer,
Karur Municipality,
Karur District.

+1CC to Mr.J.Senthil Kumaraiah, Advocate, SR.No.70419

+1CC to Mr.S.Gokulraj, Advocate, SR.No.70378

+1CC to Mr.N.Shanmugaselvam, Advocate, SR.No.70316

W.P (MD) No.19837 of 2015
03.08.2017

ar/rm

AM/MR KKR/SAR 3/10.08.2017/3P/7C