



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2017

CORAM:

THE HON'BLE Mr.JUSTICE **K.KALYANASUNDARAM**

WEB COPY

W.P(MD)No.10199 of 2017

Tmt.A.Christilda

... Petitioner

Vs.

1. The Deputy Director of Town and Country Planning,
Tirunelveli Region,
108, Trivandrum Salai,
Tirunelveli - 2.

2. The Vellimalai Town Panchayat,
Sathanvilai Ammandivilai Post,
Kalkulam Taluk, Kanyakumari District,
Represented by its Executive Authority.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant permission to the petitioner's plan submitted for constructing a building to install 'Ice Plant' in the petitioner's land having an extent of 17.290 cents situated in Survey Number 358/12, Vellimalai Village, Kalkulam Taluk, Kanyakumar district in accordance with her application dated 31.01.2017 and representation dated 15.04.2017 and Health Certificate.

For Petitioner : Mr.N.Dilip Kumar

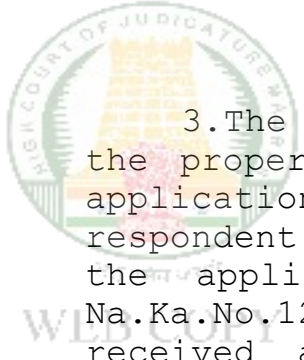
For Respondents : Mr.D.Muruganandham,

Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, to direct the respondents to grant permission to the petitioner's plan submitted for constructing a building to install 'Ice Plant' in the petitioner's land having an extent of 17.290 cents situated in Survey Number 358/12, Vellimalai Village, Kalkulam Taluk, Kanyakumar district in accordance with her application dated 31.01.2017 and representation dated 15.04.2017 and Health Certificate.

2.The case of the petitioner is that, she is the absolute owner of the property in Survey No.Re.358/12, in Vellimalai 'A' taluk, Kanyakumari District, to an extent of 17.290 cents, by virtue of a sale deed dated 18.01.2017.



3.The petitioner would further state that she has purchased the property to establish an 'Ice Plant'. So, She submitted an application with plan and necessary documents to the second respondent on 31.01.2017. The second respondent has forwarded the application to the first respondent on 07.02.2017, in Na.Ka.No.125/2017. It is further stated that the petitioner received a letter from the second respondent on 27.03.2017, requesting certain additional documents and particulars, which were also furnished immediately.

4.It is claimed by the petitioner that she had applied to the Fire and Rescue Department, and they have also issued No Objection Certificate, to establish an Ice Plant on 06.02.2017, and the Tamil Nadu Pollution Control Board has also given consent for establishment of Ice Plant. Since there was a delay, the petitioner made a representation to the respondents on 15.04.2017, and as no order was passed on the same, the petitioner has come up with the present Writ Petition.

5.Heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents.

6.The learned counsel for petitioner would submit that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioner dated 15.04.2017.

7.The learned Additional Government Pleader would submit that the respondents received objections from third parties and due to the reason, there was a delay in passing final orders in the application submitted by the petitioner.

8.Considering the submissions made and without going in to the merits of the case, this Court directs the first respondent to consider the representation of the petitioner dated 15.04.2017, and pass orders on the application submitted by the petitioner dated 31.01.2017 on merits and in accordance with law, after providing opportunities to the petitioner and the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

9.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

1. The Deputy Director of Town and Country Planning,
Tirunelveli Region,
108, Trivandrum Salai,
Tirunelveli - 2.

2. Executive Authority,
Vellimalai Town Panchayat,
Sathanvilai Ammandivilai Post,
Kalkulam Taluk, Kanyakumari District.

+1cc to M/S.N.Dilip Kumar, Advocate SR.No. 58469
+1cc to Special Government Pleader, SR.No. 58265

W.P. (MD) No.10199 of 2017
02.06.2017

gk/arul
JM/JC/SAR 2/12.06.2017/3P/5C