



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2017

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.11687 of 2017

D.S.Mohan

..Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer (Village Panchayat)/
The Special Officer,
Vadakkankulam Village Panchayat,
Valliyoor,
Tirunelveli District.

3. Subbu kutty

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to grant Building Plan Approval in Ayan Punja Survey No.429/6 situated at Vadakkankulam Panchayat, Perungudi Village, Radhapuram Taluk, Tirunelveli District based on the petitioner's application dated 23.02.2017 within a time stipulated by this Court.

For Petitioner : Mr.V.Sasikumar

For Respondent No.1 : Mr.A.Muthukaruppan,
Additional Government Pleader

For Respondent No.2 : Mrs.S.Bharathi,
Government Advocate.

ORDER

The petitioner is before this Court seeking issuance of Writ of Mandamus directing the 2nd respondent to grant Building Plan Approval in Ayan Punja Survey No.429/6 situated at Vadakkankulam Panchayat, Perungudi Village, Radhapuram Taluk, Tirunelveli District based on the petitioner's application dated 23.02.2017.



2. Heard Mr.V.Sasikumar, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government pleader appearing for the first respondent and Mrs.S.Bharathi, learned Government Advocate appearing for the second respondent.

3. By consent of both parties, the Writ Petition is taken up for disposal at the admission stage itself.

4. According to the petitioner, he purchased 1 acre and 8 cents of land in Ayan Punja, S.No.429 of Vadakkankulam Panchayat, Perungudi Village, Radhapuram Taluk, Tirunelveli District through a sale deed dated 31.03.2011. The petitioner would further state that his vendor Subbammal was issued with a patta for the property in Patta No.845. The petitioner after purchasing the property, changed the patta in his favour and paid necessary tax to the second respondent. He approached the second respondent seeking plan approval and also paid necessary fees. However, due to objection from the third respondent, the application was not processed and hence, he sent representation dated 13.04.2017 and 26.04.2017. Since, no favourable order was passed, the petitioner is before this Court.

5. The learned counsel for the petitioner would submit that the second respondent by an order dated 03.05.2017 has sought for the details of the Civil Suit in O.S.No.55 of 2016 on the file of the District Munsif Court, Valliyoar, for which the petitioner sent a reply dated 19.05.2017, stating that there is no interim order in the suit and in fact, the interim injunction application filed in I.A.No.348 of 2016 was dismissed on 25.01.2017. Despite, the same, the respondent has not considered the case of the petitioner.

6. The learned Government Advocate for the second respondent would submit that the petitioner's application was under process and in view of the objection from the third respondent, the second respondent sought clarification from the petitioner. But, so far, he has not approached the respondent with all particulars. If the particulars are furnished to the second respondent, they will consider the representation.

7. In view of the submission made by the learned counsels, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the Petitioner, dated 13.04.2017, on merits and in accordance with law and pass orders on the same, after giving opportunity to the necessary parties, if any, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.



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

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub-Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer (Village Panchayat) /
The Special Officer,
Vadakkankulam Village Panchayat,
Valliyoor,
Tirunelveli District.

+One cc to Mr. V. Sasikumar, Advocate, SR.No.62024

+One cc to The Special Government Pleader, SR.No.62042

MR/MYR

RL/5C/3P/KP/SAR1/4/7/2017

W.P (MD) No.11687 of 2017

23/06/2017