



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.07.2017
CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P. (MD) No.12704 of 2017

J.Devasagaya Raj

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Deputy Director,
Office of Town and Country Planning,
No.108, Trivandrum Road,
Palayamkottai,
Tirunelveli-627 002.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tirunelveli-11.

4.The Special Officer,
Vagaikulam Village Panchayat,
Manoor Panchayat Union,
Tenkasi Taluk,
Tirunelveli District.

...Respondents

PRAYER:Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 2 and 4 to extend the plan approval (no.6/2015-16 dated 18.12.2015) of the petitioner's house construction within the time limit that may be stipulated by this Court so as to enable the petitioner to obtain the balance loan amount for his house construction from the 3rd respondent, based on the petitioner's representation dated 07.04.2017.

For Petitioner :Mr.N.Ramesh Arumugam

For Respondent 1 & 2 :Mr.C.Selvaraj

Special Government Pleader

For 3rd Respondent :Mr.G.Kasinathadurai

For 4th Respondent :Mr.S.Sathish Kumar

Additional Government Pleader

The prayer in this writ petition is for the issuance of a Writ of Mandamus directing the respondents 2 and 4 to extend plan



approval of the petitioner's house based on his representation dated 07.04.2017.

2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for R1 and R2, Mr.G.Kasinathadurai, learned Standing Counsel takes notice for R3 and Mr.S.Sathishkumar, learned Additional Government Pleader takes notice for R4. By consent, this Writ Petition is taken for final disposal at the admission stage itself.

3.The petitioner would claim that he purchased the property in Survey No.232/9A in Vagaikulam village, Manoor Panchayat from one Abraham Nadar through a registered sale deed dated 25.11.2010. The petitioner applied with the third respondent for sanctioning of the housing loan and also applied to the 4th respondent for sanctioning of the plan.

4. It is claimed by the petitioner that the 4th respondent granted plan approval on 18.02.2015 and the petitioner paid 11,180/- towards fees. The petitioner would state that he had already completed 50% of the construction work. Hence, he applied for extension of plan approval, since it got expired on 17.12.2016 and sent the representation dated 17.04.2017 in this regard. Since no action has been taken, the present writ petition is filed.

5.Heard Mr.N.Ramesh Arumugam, learned counsel appearing for the petitioner, Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondents 1 and 2, Mr.G.Kasinathadurai, learned Standing Counsel appearing for the third respondent and Mr.S.Sathishkumar, learned Additional Government Pleader appearing for the fourth respondent.

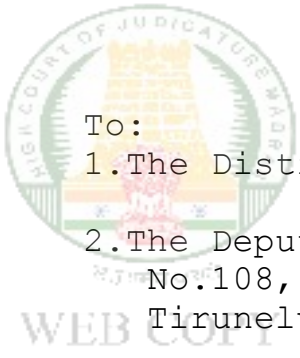
6.Considering limited scope of the prayer sought for in this writ petition, this Court, without expressing any view on the merits and contention raised by the petitioner, directs the second and fourth respondents to consider the representation of the petitioner, dated 07.06.2017, on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/



To:

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Deputy Director, Office of Town and Country Planning,
No.108, Trivandrum Road, Palayamkottai,
Tirunelveli-627 002.

3.The Special Officer, Vagaikulam Village Panchayat,
Manoor Panchayat Union, Tenkasi Taluk, Tirunelveli District.

+1CC to Mr.Jeyakarthik, Advocate, SR.No. 64358

+1CC to the Special Government Pleader SR.No. 64537

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skn/vsg

AM/SKN RSK/SAR 1/26.07.2017/3P/6C