



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.1500 of 2017

M.Alagudurai

.. Petitioner

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 020.

2.The Executive Engineer (Plan),
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 020.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent passed in his proceedings in No. MT4/45640/2016 dated 04.01.2017 and quash the same and (ii) direct the respondents to approve the petitioners plan submitted on 29/06/2016 through E-Planning system and thus render justice.

For Petitioner : Mr.N.Vallinayagam

For Respondents : Mr.T.S.Mohammed Mohideen

ORDER

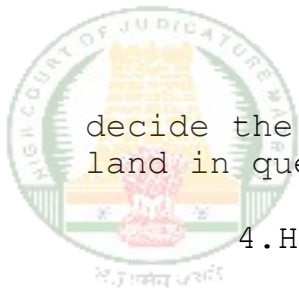
This writ petition is filed seeking a writ of Certiorarified Mandamus to quash the proceedings in No.MT4/45640/2016 dated 04.01.2017, passed by the second respondent and direct the respondents to approve the petitioner's plan.

2.The case of the petitioner is that the petitioner is the absolute owner of the house plot situates in R.S.No.76/8B, Ramaiah Cross Street, Jeeva Nagar, First Main Street, Madakulam Village, to an extent of 2240 square feet. He submitted a plan for approval to the respondents through E-Planning System on 29.06.2016. Since, the same has not been considered, he made a representation to the first respondent on 26.12.2016, for which, the second respondent sent a reply to the effect that the plan approval was rejected on the ground that his plot comes within the specified area reserved for school and play ground under South-West Extension Development Scheme IV.

2.1.According to the petitioner, the competent authority has not acquired any land for the scheme from the date of publication of the scheme, i.e., from the year 2004 and hence, the rejection order is erroneous. Therefore, the petitioner is before this Court.

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

3.In the counter affidavit filed by the first respondent, it is, among other things, stated that the appropriate authority to



decide the issue in question is the Local Planning Authority and the land in question is only allotted for play ground for a school.

4. Heard both sides.

5. The learned counsel for the petitioner would submit that the competent authority has not acquired any land for the South-West Extension Development Scheme IV from the date of publication of the scheme, i.e., from the year 2004 and therefore the rejection order requires interference.

6. The learned counsel appearing for the respondents would submit that the petitioner has to approach the Member Secretary, Madurai Local Planning Authority, Madurai for appropriate relief, for which, the learned counsel for the petitioner would submit that the petitioner is inclined to submit a plan for approval to the Member Secretary, Madurai Local Planning Authority, Madurai and the same be directed to be considered.

7. Considering the submissions made on either side, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a plan for approval to the the Member Secretary, Madurai Local Planning Authority, Madurai within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the Member Secretary, Madurai Local Planning Authority, Madurai, shall consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks, thereafter.

8. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 020.

2. The Executive Engineer (Plan),
Madurai Municipal Corporation,
Anna Maligai, Madurai - 625 020.

Copy to: The Member Secretary,
Madurai Local Planning Authority,
Madurai.

+1cc to Mr. T.S. MOHAMED MOHIDEEN Advocate in SR. No. 69451

SMN

JS/MR.KKR/SAR.1/9.8.2017/2P-5C