

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No. 16066 of 2017**

Amma Pazham Nadachi

... Petitioner

Vs.

1. The Block Development Officer,
Kurunthencode Panchayat Union,
Kurunthencode, Kanyakumari District.

2. The Deputy Block Development Officer,
(Village Panchayats),
Kurunthencode Panchayat Union,
Kurunthencode, Kanyakumari District.

3. The Secretary,
Vellichanthai Village Panchayat,
Kanyakumari District.

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant plan approval for the proposed house of the petitioner in R.S.No.958/2 of Vellichanthi B-Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.G.Muthu Kannan,
Government Advocate**ORDER**

This writ petition has been filed by the petitioner, seeking a writ of Mandamus, to direct the respondents to grant plan approval for his proposed house in R.S.No.958/2, Vellichanthi B-Village, Kalkulam Taluk, Kanyakumari District.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.According to the petitioner, after the demise of her husband, she approached the third respondent herein, seeking plan approval to construct a residential house in the aforesaid property, which stood in the name of her husband. The case of the



petitioner is that though necessary no objection certificates from the other legal heirs, i.e., their children, were produced, the respondents were dragging the proceedings, for no cause. It is her further case that in the meanwhile, i.e., on 16.08.2017, she received a letter from the first respondent stating that no such application was filed by the petitioner, seeking plan approval and pursuant to the same, a copy of the application was placed before the first respondent, once again, on 28.08.2017, by the petitioner, which is also kept pending.

4.The learned Government Advocate appearing for the respondents submitted that the first respondent received the application of the petitioner recently and he fairly conceded that the first respondent is now inclined to consider the same on merits and necessary orders will be passed.

5.Such being the case, the writ petition is disposed of, with a direction to the first respondent to consider the application of the petitioner, seeking plan approval for residential building and pass appropriate orders thereon, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Block Development Officer,
Kurunthencode Panchayat Union,
Kurunthencode, Kanyakumari District.
 2. The Deputy Block Development Officer,
(Village Panchayats),
Kurunthencode Panchayat Union,
Kurunthencode, Kanyakumari District.
 3. The Secretary,
Vellichanthai Village Panchayat,
Kanyakumari District.
- +1cc to M/S. C.T.PERUMAL, Advocate, SR.No.77174.

ORDER MADE IN
W.P (MD) No.16066 of 2017
07.09.2017