



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.18651 of 2017

O.P.Rajendran

... Petitioner

vs.

1. The District Collector,
Thoothukudi District.
2. The Block Development Officer,
Pudur Panchayat Union,
Thoothukudi District.
3. The Special Officer,
Melakaranthai Village Panchayat,
Thoothukudi District.

... Respondents

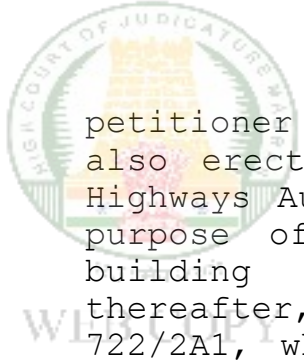
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus direct the 2nd respondent herein to grant permission to construct a commercial building in the land in Survey No.722/2A-1 situated at Melakaranthai Village, Pudur Union, Thoothukudi District by considering the petitioner's application to the 2nd respondent dated 23.06.2017.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader**ORDER**

This writ petition has been filed, seeking a direction to the second respondent herein to grant permission to construct a commercial building in the land in Survey No.722/2A-1 situated at Melakaranthai Village, Pudur Union, Thoothukudi District, by considering the petitioner's application dated 23.06.2017.

2.The case of the petitioner is that the property in Survey No.722/2A-1, situated at Melakaranthai Village, Pudur Union, Thoothukudi District belongs to him and in order to construct a commercial building in the said property, he has given an application to the third respondent, upon which, the third respondent has passed an order, granting permission to the



petitioner to construct commercial building and the petitioner has also erected a building in the said property. Subsequently, the Highways Authority acquired some portion of the above land for the purpose of laying four way road and in that proceedings, the building already erected by the petitioner was demolished, thereafter, the petitioner's land was given sub division number as 722/2A1, which was not acquired by the Highways Authority. Hence, the petitioner, has once again sent a representation dated 23.06.2017 to the second respondent, seeking permission to construct commercial building. On receipt of such representation, the second respondent has sent a communication dated 10.07.2017 to the petitioner stating that after getting necessary instructions from the first respondent, permission will be granted. But, so far, there is no response from the second respondent. Hence, the petitioner is before this Court with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

4. The learned Additional Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and suitable orders passed.

5. Considering the facts and circumstances of the case, this Court, without going into the merits of the matter, directs the second respondent to consider the application of the petitioner dated 23.06.2017, seeking planning approval for construction and pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving opportunity of hearing to the petitioner.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District.

2. The Block Development Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Pudur Panchayat Union,
Thoothukudi District.



3. The Special Officer,
Melakaranthai Village Panchayat,
Thoothukudi District.

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 82004
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82203

MJ

TE/SV-MMS/SAR-IV : 24/10/2017 : 3P/6C

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