



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.20100 of 2017

M.Mani

... Petitioner

-Vs-

1.The Assistant Director,
(Village Panchayat),
District Collector Campus,
Tirunelveli District.

2.The Block Development Officer,
(Village Panchayat),
Valliyoor Panchayat Union,
Valliyoor - 627 117,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to entertain the petitioner's Building Plan Application dated 10.08.2017 and grant approval for the petitioner's property comprised in S.Nos.406/IA and 406/1B situated at South Karunkulam Village, Valliyoor Panchayat Union, Radhapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 20.10.2017 within a time frame to be stipulated by this Court.

For Petitioner	: Mr.S.Vinayak
For R1	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader
For R2	: Mr.A.Muthukaruppan, Additional Government Pleader

O R D E R

By consent, this writ petition itself is taken up for final disposal at the stage of admission.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the second respondent.



3. According to the petitioner, he purchased the property comprised in S.Nos.406/1A and 406/1B in Karunkulam Village, Valliyoor Panchayat Union, Radhapuram Taluk, Tirunelveli District and in order to get a building plan approval, he has sent an application dated 10.08.2017, along with all necessary documents to the second respondent. On receipt of the same, the second respondent has rejected his claim, citing the pendency of a Civil Suit, connected to this subject. It is the specific case of the petitioner that suit is only with regard to S.No.406/1C5, whereas, he seeks plan approval only in respect of S.Nos.406/1A and 406/1B. Therefore, the petitioner has made a detailed representation dated 20.10.2017, before the authorities seeking the same relief, which, according to the petitioner, is kept pending without any action and hence he is before this Court.

4. Though the prayer in the writ petition is for a larger relief, the learned Counsel for the petitioner now confines his prayer to the effect that it would suffice, if the representation of the petitioner is disposed of by the authorities, on merits, within a stipulated time limit.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 20.10.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Assistant Director, (Village Panchayat),
District Collector Campus, Tirunelveli District.
2. The Block Development Officer, (Village Panchayat),
Valliyoor Panchayat Union, Valliyoor - 627 117,
Radhapuram Taluk, Tirunelveli District.

+One cc to Mr.S.Vinayak, Advocate, SR.No.85016

+One cc to The Special Government Pleader, SR.No.85060

gk

RL/5C/2P/KP/SAR1/13/11/2017

W.P.(MD) No. 20100 of 2017