



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM:

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

W.P (MD) No.23536 of 2017

Mohammed Akbar

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Tahsildar,
Kanyakumari District,
Verkilambi.

3. The Executive Officer,
Verkilambi Panchayat,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 3rd respondent to approve the building plan as submitted by the petitioner in survey No.224/12, Verkilambi, Kalkulam, Kanyakumari District in consideration of the petitioner's application dated 03.12.2017.

For Petitioner : Mr.R.Maheswaran

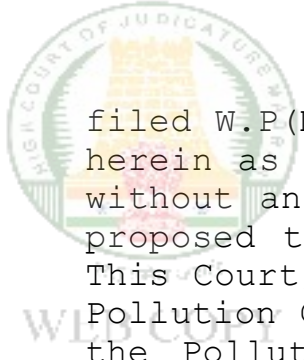
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents.

3. According to the petitioner, he has submitted a building plan for approval before the third respondent, for constructing a small shed for office purpose, in his property in Survey No.224/12. Whereas, it is his grievance that one Christdoss, has



filed W.P(MD)No.13387/17, before this Court, adding the petitioner herein as one of the respondents, alleging that in Survey No.244, without any permission or licence, whatsoever, a concrete unit is proposed to be installed by the lessee of the petitioner herein. This Court, by order dated 09.08.2017, has directed the Tamil Nadu Pollution Control Board to look into the issue and based on which, the Pollution Control Board has show caused the petitioner for enquiry and asked him to stop all works in the said Survey number. It is the specific contention of the learned Counsel for the petitioner that no such work was carried or proposed to be carried in the said S.No.244 and he further submitted that the petitioner seeks plan approval with regard to his property in S.No.224/12 alone. To that extent, he has submitted a representation dated 03.12.2017 before the respondents and because of their inaction, he is before this Court.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 03.12.2017, is disposed of, by the third respondent, on merits.

5. Considering the facts and circumstances of case and also the limited scope of the prayer sought for, this Court, without going into the merits of the claim, directs the respondents, more particularly, the third respondent, to consider the representation of the petitioner dated 03.12.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other 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, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Tahsildar,
Kanyakumari District,
Verkilambi.



3. The Executive Officer,
Verkilambi Panchayat,
Nagercoil.

+ 1 cc TO Mr.J.Gunaseelan Muthiah , Advocate in SR No. 93805
+ 1 cc TO Mr.R.Maheswaran , Advocate in SR No. 94250
+ 1 cc TO The Special Government Pleader in SR No. 94302

gk

AE/SV MMS/SAR1/10.01.2018/3P/7C

ORDER MADE IN
W.P (MD) No.23536 of 2017
20.12.2017