



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) .No.12078 of 2011

and

M.P. (MD) .No.2 of 2011 and M.P. (MD)No.1 of 2012

1. S.Sathaya Anand
2. S.Vasanth

... Petitioners

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Block Development Officer,
Alangulam Circle,
Alangulam,
Tirunelveli District.
3. The President,
Nallur Village Panchayat,
Nallur, Alangulam Taluk,
Tirunelveli District.
4. Emie.Arulmani Ammal

R4 impleaded as per order
dated 12.09.2017 by MKKSJ.

... Respondents

PRAYER: Writ Petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents particularly the third respondent from cancelling the existing building plan approval dated 05.10.2010 made in 23/2010-2011 on his file without full-fledged enquiry and also without affording any opportunity of being heard and also further from demolishing the existing superstructure having been built up in pursuance of the valid and approved plan at D.No.3/63, Santhanamariamman Kovil Street, Kasiapuram, Sevalarkulam Village, Nallur Panchayat, Alangulam Taluk, Tirunelveli District forthwith.

For Petitioners : Mr.S.Palanivelayutham
<https://hcservices.ecourts.gov.in/hcservices/>
For R1 : Mr.G.Muthukannan
Government Advocate



For R2 & R3
For R4

: Mr.S.Chandrasekaran
: Mr.A.Arumugam

ORDER

The petitioners seek issuance of Writ of Mandamus forbearing the third respondent from cancelling the existing building plan approval dated 05.10.2010 made in 23/2010-2011 and also demolishing the existing superstructure put up in pursuance of the approved plan.

2. Heard Mr.S.Palanivelayutham, learned counsel appearing for the petitioners, Mr.G.Muthukannan, learned counsel appearing for the first respondent, Mr.S.Chandrasekarnan, learned counsel for the respondents 2 and 3 and Mr.A.Arumugam, learned counsel for the fourth respondent.

3. The case of the petitioners is that they approached the third respondent seeking approval of the building plan by submitting an application and the third respondent approved the building plan on 05.10.2010. Based on the approval, the petitioners have put up the construction and after lapse of one year, the third respondent issued a show-cause notice dated 07.09.2011, for which the petitioners submitted a detailed reply on 15.09.2011.

4. The grievance of the petitioners is that the third respondent without passing orders on the show-cause notice, is now attempting to demolish the building.

5. The learned counsel appearing for the respondents 2 and 3 would submit that the third respondent would pass orders after conducting enquiry. Term of the third respondent was already over and the Office is administered by the Special Officer / the Block Development Officer, the second respondent herein and the second respondent would pass orders after providing opportunity to the necessary parties.

6. In view of the above submission, the second respondent is directed to pass orders on the show-cause notice dated 07.09.2011, on merits and in accordance with law, after providing opportunity to all necessary parties. Till then, the respondents are directed to maintain status-quo as on date.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer,
Alangulam Circle,
Alangulam,
Tirunelveli District.

3. The President,
Nallur Village Panchayat,
Nallur, Alangulam Taluk,
Tirunelveli District.

+1cc to M/S.A.ARUMUGAM, Advocate SR.No.78898

+1cc to Special Government Pleader, SR.No. 78489

akv

MAS/JC/SAR2:10.10.2017:3P-6C

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