

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

DATED : 23.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No. 13114 of 2011**

R. Krishnaswamy

... Petitioner

Vs.

1. The Secretary,
Town & Country Planning Office,
807, Anna Salai, Chennai - 2.

2. The Member Secretary,
Local Town Planning Authority,
Palayamkottai, Tirunelveli - 627 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue planning permission to the petitioner for construction of a shopping complex for 28 cents of land in T.S.Nos.729/2B and 730/2B of Ward No.6, Block No.9 situate at Vennarapettai, Tirunelveli as per the proposed plan submitted by the petitioner.

For Petitioner : Mr.M.V.Venkataseshan

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

This writ petition is filed seeking a writ of Mandamus to direct the respondents to issue planning permission to the petitioner for construction of a shopping complex for 28 cents of land in T.S.Nos.729/2B and 730/2B, Ward No.6, Block No.9, Vennarapettai, Tirunelveli, as per the proposed plan submitted by the petitioner.

2. Heard both sides.

3. The case of the petitioner is that the petitioner is the absolute owner of vacant land to an extent of 28 cents situated in T.S.Nos.729/2B and 730/2B, Ward No.6, Block No.9, Vennarapettai, Tirunelveli. In order to construct a shopping complex, he submitted petitions right from 03.03.2009 to the second respondent alongwith required certificates and necessary fee. Since the second respondent has not considered the same, he filed appeal petitions on 05.01.2010 and 05.04.2010 to the first respondent, who in turn, sent a communication to the second respondent to consider his claim for planning permission, vide proceedings, dated 22.04.2010. Even thereafter also, there was no response. Therefore, he sent a petition to the respondents on 30.03.2011, but they have not given planning permission. Therefore, the present writ petition has been filed for getting the relief sought for therein.

4. In the counter affidavit filed by the second respondent, it is, among other things, stated that on the advise of the Director of Town and Country Planning, the proposal was rejected on 12.04.2010 on the ground that the proposed construction situates within the part and parcel of the unauthorized building developed site and the Local Planning Authority also rejected the proposal vide resolution dated 24.12.2010 and the petitioner resubmitted the proposal without furnishing the required particulars and prayed for the dismissal of this writ petition.

5. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has to approach the Director of Town and Country Planning, Chennai, for appropriate relief, for which, the learned counsel for the petitioner would submit that the petitioner is inclined to submit a proposal for approval to the Director of Town and Country Planning, Chennai and the same be directed to be considered.



6. Considering the submissions made on either side, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a plan for approval along with required documents to the Director of Town and Country Planning, Chennai within a period of two weeks from the date of receipt of a copy of this order and on such filing, the Director of Town and Country Planning, Chennai shall consider the same 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 the any of the interested parties, within a period of six weeks thereafter.

7. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Town & Country Planning Office,
807, Anna Salai, Chennai - 2.
2. The Member Secretary,
Local Town Planning Authority,
Palayamkottai, Tirunelveli - 627 002.

Copy to:

The Director of Town & Country Planning,
O/o.the Directorate of Town & Country Planning Office,
No.807, Anna Salai, Chennai.

+1cc to M/S.M.V.VENKATASESHAN, Advocate SR.No.83361.
+1cc to Special Government Pleader, SR.No. 83293.

ORDER MADE IN
W.P (MD) No.13114 of 2011
23.10.2017