



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.10731 of 2013
and
M.P. (MD) No.1 of 2013

M.Murugan

.. Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Assistant Director of TownPanchayats,
Trichy Zone,
Trichy.
3. The Assistant Director of Town and Country Planning,
No.10, Williams Road,
Contonment,
Trichy.
4. The Executive Officer,
Thottiyam Selection Grade Town Panchayat,
Thottiyam,
Trichy District.

5.T.Tamilselvi

6.M.P.Prakash

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned proceedings of the 2nd and 4th respondent dated 15.04.2013 in Na.Ka.No.Pa. 3/800/2013 and 29.04.2013 in Na.Ka.No. A1/760/2012 respectively and quash the same and consequently direct the 1st respondent to grant planning permission to the property of the petitioner in Plot NO. 38, Indra Layout, comprised in S.No. 168/5, Thottiyam Selection Grade Town Panchayat.



For petitioner : Mr.C.Vakeeswaran
For Respondents 1 to 3 : Mr.T.S.Md.Mohideen
Additional Government Pleader
For 4th Respondent : Mr.K.P.Krishna Doss
For 5th Respondent : Mr.R.Sundar
For 6th Respondent : Mr.K.Prabhakar

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed challenging the impugned proceedings dated 15.04.2013 issued by the second respondent and the consequential sealing order dated 29.04.2013 issued by the fourth respondent. This writ petitioner also seeks a direction for directing the first respondent to grant planning permission in favour of him for his property in Plot NO. 38, Indra Layout, comprised in S.No. 168/5, Thottiyam Selection Grade Town Panchayat.

2.Heard learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the private respondents.

3.It is admitted by the writ petitioner that after purchasing the property in question, he had raised a construction without any prior approval from the competent authority. That being so, it is natural that he must face the consequences prescribed in the Tamil Nadu Town and Country Planning Act. We went through the impugned communication, dated 15.04.2013, which merely states that the writ petitioner had purchased plot in an unapproved lay out. Therefore, the question of giving building approval would not arise.

4.In as much as the construction was not preceded by a proper planning permission or approval, the fourth respondent issued sealing orders. All that the fourth respondent had communicated in the impugned order dated 29.04.2013 is that the building would remain in the same condition till the petitioner obtains proper planning permission and building approval. No exception can be taken to this communication or the sealing order. No indulgence can be shown to the petitioner. It is for him to pursue the matter with the concerned authorities and obtain proper planning permission. No direction needs to be issued by this Court. The impugned orders are certainly sustainable in law. There is no merit in this writ petition.



5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Trichy District,
Trichy.
2. The Assistant Director of Town Panchayats,
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Trichy.
3. The Assistant Director of Town and Country Planning,
No.10, Williams Road,
Contonment,
Trichy.
4. The Executive Officer,
Thottiyam Selection Grade Town Panchayat,
Thottiyam,
Trichy District.

+1cc to Mr.C.Vakeeswaran, Advocate in Sr.No.67520

+1cc to Mr.R.Sundar, Advocate in Sr.No.67556

+1cc to The Special Government Pleader in SR.No.68398

vsg/rmi

AE/SKN RSK/SAR1/24.08.2017/3P/8C

ORDER MADE IN
W.P (MD) No.10731 of 2013
and
M.P. (MD) No.1 of 2013
25.07.2017