

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.7955 of 2018

M.Pandian

...Petitioner

Vs.

The Executive Officer,  
Thirukazhugundram Panchayat,  
Kancheepuram District,  
Tamil Nadu.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to grant demolition permission of the structure situated at Old Survey No.29/27A1 measuring an extent of 960 Sq.Mtr. in Patta No.4593 of Adivaram Mamallapuram Road, Thirukazhugundram Village and Panchayat.

For Petitioner : M/s.S.Sundaresan  
For Respondent : Mr.M.Perumal, G.A.

ORDER

Mr.M.Perumal, learned Government Advocate takes notice for the respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The petitioner has come up with the present Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondent to grant demolition permission for the superstructure situated at Old Survey No.29/27A1, in Patta No.4593 at Thirukazhugundram Village and Panchayat, based on his application dated 25.01.2018.

3. The case of the petitioner is that the property measuring an extent of 960 Sq.mtr. in Old Survey No.29/27A1 of Adivaram Mamallapuram Road, Thirukazhugundram Village and Panchayat, was purchased by him, vide registered sale deeds dated 11.10.2017. Thereafter, mutation in the revenue records had taken place and he has been paying property tax to the respondent. The

petitioner would state that the building is 200 year old and it is in a dilapidated condition. Hence application was given to the respondent on 25.01.2018 under the Tamil Nadu Panchayats Act & Rules, seeking permission to demolish the building. Since it was not considered, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondent to consider the application of the petitioner.

5. The learned Standing Counsel for the respondent submitted that they are ready to pass orders on the application of the petitioner in accordance with law.

6. In the light of the above submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the respondent to pass appropriate orders on the application of the petitioner on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pvs

To  
The Executive Officer,  
Thirukazhugundram Panchayat,  
Kancheepuram District,  
Tamil Nadu.

+1cc to Mr.S.SUNDARESAN, Advocate, S.R.No. 26105

KJ(CO)  
TR(24/04/2018)

WP.No.7955 of 2018

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