

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 21788 of 2018

B.Lalitha

... Petitioner

Vs

The Executive Officer,
Town Panchayat Office,
Thiruvarur Dt.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the respondent passed in Na.Ka.No.497/2017.A1 dated 19.04.2018 and quash the same and direct the respondent to issue the order of approval to the petitioner's planning permit submitted on 17.07.2017 in respect of petitioner's property at Plot No.2, Ganapathy Nagar, Manavalampettai Village, Nannilam, Thiruvarur District.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Mr.D.Suryanarayanan,
Addl. Government Pleader

सत्यमेव जयते
O R D E R

1. The case of the petitioner is that the petitioner has proposed to construct a Saw Mill at Manavalampettai, Nannilam Taluk, and he has made an application before the respondent seeking for building permission, and that application has been returned by the respondent stating that the petitioner should get the property tax assessment for the above said building, then only, his application will be considered.

2. The learned counsel appearing for the petitioner would contend that the impugned order passed by the respondent is totally illegal, the petitioner cannot obtain the property tax

assessment, from the concerned authority before granting building permission. Hence, the impugned order passed by the respondent is total non-application of mind.

3. Today, when the matter was taken up for hearing, the Executive Officer of the respondent Town Panchayat is present in person and the learned counsel appearing for the respondent, on instructions, submitted that as per the circular issued by the Commissioner of Town Panchayat in and by its proceedings in Na.Ka.No.14400/2008/E1, dated 04.08.2008, if the petitioner wanted to construct a saw mill, he has to follow the Tamil Nadu Municipal Building Rules and also Sec.249, 250 and 321 of the Tamil Nadu District Municipalities Act, and the petitioner should get recommendation and technical approval from the Tamil Nadu Pollution Control Board, Deputy Director of Public Health, Inspector of Factory and Deputy Director of Town Planning and District Fire Officer. So far, the petitioner did not get the said approval from the authorities. Hence, the petitioner's application cannot be considered.

4. On perusal of the circular issued by the Commissioner of Town Panchayat, it could be seen that for getting building permission, the petitioner should send application to the above said authorities through the respondent and only after getting the recommendation from the above said authorities, the application for building permission can be considered.

5. In the said circumstances, the petitioner is directed to send necessary application to the authorities concerned for approval and after getting approval from the authorities, thereafter, the respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law. The respondent is further directed to complete the above process within a period of twelve weeks from the date of receipt of the copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

The Executive Officer,
Town Panchayat Office,
Thiruvarur Dt.

+1 cc Mr.M.Thamizhavel, Advocate, SR.No.66515
+1 cc Mr.D.Suriya Narayanan, Advocate, SR.No.66733

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CSL/23.10.2018



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