

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.04.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.7915 of 2006
and
W.P.M.P.No.8802 of 2006

Tiruvannamalai District Central
Co-Operative Bank Ltd.,
9, 6th Street,
Gandhi Nagar,
Tiruvannamalai,
Rep.by its Special Officer. Petitioner

Versus

1.The Chairman
Tiruvannamalai Municipality,
Tiruvannamalai.
2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondent Municipality to accord planning and building permission to the petitioner bank for construction of office building forthwith in the land owned by the petitioner bank in Survey No.186/1, 2, 3 and 2304/3A and 2304/3B, Tiruvannamalai Town, Tiruvannamalai District.

For Petitioner : Ms.G.Thilakavathi
Senior Counsel for
Mr.R.Gopinath

For Respondents : Mr.P.Srinivas

O R D E R

This writ petition has been filed seeking for issuance of a writ of mandamus directing the respondent Municipality to accord planning and building permission to the petitioner - bank, for construction of office building in the land owned by the petitioner - bank in Survey No.186/1, 2, 3 and 2304/3A and

2304/3B, Tiruvannamalai Town, Tiruvannamalai District.

2. Heard the learned Senior counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. Ms.G.Thilakavathi, learned Senior Counsel appearing for the petitioner - bank submitted that the Government had initiated proceedings in G.O.Ms.No.1150, Rural Development and Local Administration, dated 03.05.1974, to acquire the land in dispute, however the acquisition proceedings were quashed by this Court in W.A.No.310 of 1982, dated 05.10.1988. Thereafter, no fresh proceedings were initiated by the Government. It is further stated that the petitioner - Bank had purchased the land in dispute from the Tiruvannamalai Co-Operative House Building Society Limited and applied for approval of planning permission. Since no order was passed, the present writ petition.

4. The learned counsel appearing for the respondents submitted that the acquisition proceedings were quashed only on technical ground, but before the quashment of the notification the entire compensation amount was paid to the land owners. It is further submitted that the District Collector, Tiruvannamalai, has convened a meeting to resolve the dispute, so, at this juncture, the plea of the petitioner does not deserve consideration.

5. In reply, the learned Senior counsel submitted that the petitioner is not agreeable for the proposal given by the District Collector and the Commissioner, Tiruvannamalai Municipality, may be directed to pass orders on the application of the petitioner-bank.

6. Taking note of the above facts of the case, the second respondent is directed to pass appropriate orders on the application of the petitioner-bank dated 26.5.2004, on merits and in accordance with law, after affording an opportunity of personal hearing to all the necessary parties.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

ms

To

1.The Chairman
Tiruvannamalai Municipality,
Tiruvannamalai.

2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

+1cc to Mr.R.Gopinath, Advocate SR.No.27877

W.P.No.7915 of 2006
and
W.P.M.P.No.8802 of 2006

KAN(CO)
GN(15/05/2018)



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