



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No. 1608 of 2018
and
W.M.P (MD) No.1697 of 2018

Ramathilagam

... Petitioner

-vs-

1. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

2. M.Arumuga Thevar
3. A.Muniasamy
4. Mrs.Keerthika

... Respondents

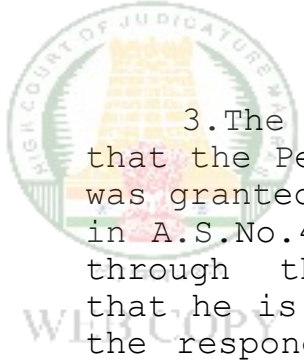
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the first respondent from giving plan approval and permission for the construction of the work with regard to the Petitioner's property in T.S.No.208, 209, 210,211, 212 and 99 and Old Number G.R.No.1/345, situated in Paramakudi Town, Ward H, Block No.19, Ramanathapuram District by considering the Petitioner's representation dated 27.12.2017.

For Petitioner : M/s.S.Gomathi Sankar
For Respondent-1 : Mr.M.Kannan
Standing Counsel

ORDER

The relief sought for in this Writ Petition is for forbearing the first respondent from giving plan approval and permission for the construction of the work with regard to the Petitioner's property in T.S.No.208, 209, 210,211, 212 and 99 and Old Number G.R.No.1/345, situated in Paramakudi Town, Ward H, Block No.19, Ramanathapuram District by considering the Petitioner's representation dated 27.12.2017.

2. Mr. M. Kannan, learned Standing Counsel takes notice for the first respondent/Municipality.



3.The learned counsel for the Writ Petitioner made a submission that the Petitioner had already filed O.S.No.84 of 2002 and a decree was granted in favour of the Writ Petitioner. The First Appeal filed in A.S.No.4 of 2006 is also ended in favour of the Writ Petitioner through the judgement, dated 19.12.2009.Thus the Petitioner claims that he is the absolute owner of the property in question. However, the respondents 2 to 4 are attempting to put up constructions by getting planning permit from the first respondent/Municipality.

4.It is needless to state that the authorities are bound to verify the ownership of the persons, who are claiming or submitting application seeking plan approval and thereafter to consider the same in accordance with law and on merits.

5.In the case on hand, the Writ Petitioner submitted a representation to the first respondent on 27.12.2017 in respect of his claim and the same is yet to be considered. In this regard, the first respondent is directed to consider the representation submitted by the Writ Petitioner on 27.12.2017 and pass orders on merits and in accordance with law, by providing adequate opportunity to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order. The Writ Petitioner is also directed to enclose a copy of the Writ Petition and the documents along with the order passed in this Writ Petition to the first respondent to proceed further in this matter.

6.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 45008
+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 44423

VSN
TE/RSK/SAR-1 : 08/02/2018 : 2P/4C