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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.08.2017

Pronounced on : 13.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.13838 of 2014

&

M.P (MD) No.1 of 2014

P.Shanmugam

... Petitioner

vs.

1. The Member Secretary,
Nagercoil Local Planning Authority,
No.11 A, Ramani Pillai Street,
Near P.D.Pillai Thirumana Mandapam,
Ramavermapuram,
Nagercoil.

2. The Executive Officer,
Suchindram Town Panchayat
(Selection Grade),
Suchindram,
Kanyakumari District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in passing of the impugned order in Form II bearing Na.Ka.No.161 of 2014, Notice No.2 of 2014 NUTK dated 03.07.2014 (signed on 23.07.2014) and quash the same and consequently forbear the first respondent from interfering with the construction activities of the petitioner in land comprised in survey Nos.202/02, 202/5A, 202/7A1B in Suchindram Village until disposal of the petitioner's resubmitted application by the first respondent as per the order of this Court dated 24.07.2014 passed in WP(MD)No.11663 of 2014.

For Petitioner : Mrs.Porkodi Karnan for
M/s.Polax Solutions

For Respondents : Mr.M.Govindan,
Spl.G.P. For R1

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner claims to be the owner of the lands comprised in S.Nos.202/2, 202/5A, 202/7A1B in Suchindram Village,



Agastheeswaram Taluk, Kanyakumari District measuring about 13,800 square feet. The aim of the petitioner was to develop the said land by constructing a restaurant cum marriage hall and a commercial complex. He applied to the second respondent in this regard in January 2012.

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2.The petitioner would further claim that there is no need to get an approval from the first respondent. Based on the permission granted by the second respondent, the petitioner initially proceeded in the matter. When his creditor bank informed him that the first respondent has to clear the matter, an application was made to the first respondent on 10.10.2013. The first respondent raised certain queries.

3.Since even without getting approval from the first respondent, the petitioner started putting up construction, notice dated 03.07.2014 was issued by the first respondent. This was questioned in W.P.(MD) No.11663 of 2014. This Court set aside the said order and directed the petitioner to resubmit the application and the first respondent was called upon to consider the same in accordance with law. Thereupon, the petitioner resubmitted the application. But, in the meanwhile, the first respondent issued the consequential proceedings, which also bears the same date viz., 03.07.2014, but signed on 23.07.2014.

4.In view of the order passed in W.P.(MD) No.11663 of 2014 dated 24.07.2014, setting aside the earlier proceedings dated 03.07.2014, this writ petition also will have to be allowed to that extent. Therefore, the order impugned in this writ petition is quashed.

5.This writ petition is allowed partly and to the extent indicated above. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary,
Nagercoil Local Planning Authority,
no.11 A, Ramani Pillai Street,
Near P.D.Pillai Thirumana Mandapam,
Ramavermapuram,
Nagercoil.



2. The Executive Officer,
Suchindram Town Panchayat
(Selection Grade),
Suchindram,
Kanyakumari District.

+1cc to M/s.Polax Solutions, Sr.No.55484

VB/SKN/RSK/SAR4/19/04/2018/3P/4C

Order made in
W.P(MD)No.13838 of 2014
&
M.P(MD)No.1 of 2014
13.03.2018