



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.22692 of 2017

and

W.M.P. (MD) No.18977 of 2017

V.P.Arumuga Perumal

... Petitioner

-Vs-

1. The District Revenue Officer,
Trichirapalli District,
Trichy.

2. The Commissioner,
Trichy City Corporation,
Trichirapalli.

3. The Member / Secretary,
Local Planning Authority,
Kajamalai,
Trichy.

4.Sornaganesh

5.M.Vasantha

... Respondents

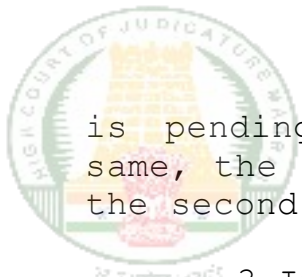
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from approving the application submitted by the third and fourth respondents for building plan approval as per the order passed by the first respondent by his proceedings in Na.Ka.Aa 6 22580-2017 dated 07.12.2017.

For Petitioner	: Mr.A.Chandrakumar
For R1 & R3	: Mr.M.Rajarajan, Government Advocate
For R2	: Mr.N.S.Karthikeyan, Additional Government Pleader.
For R4 & R5	: No Appearance

ORDER

The Writ Petition has been filed, seeking a direction to forbear the second and third respondents from approving the building plan submitted by the fourth and fifth respondents herein.

2.According to the petitioner, there is a dispute in the property in S.No.41/3 situated at Panjapur Village, Srirangam Taluk, Trichirapalli District. Now, a patta transfer proceeding



is pending with the Sub-Collector, Trichirapalli, pending the same, the fourth and fifth respondents filed an application before the second and third respondents for grant of approval.

3. In the above circumstances, the petitioner is approached the first respondent / District Revenue Officer, seeking a direction to forbear the second and third respondents from granting building plan approval in favour of the fourth and fifth respondents and the first respondent, in and by which proceedings dated 07.12.2017, directed the second and third respondents not to process the application, till the disposal of the appeal, which is pending before the Sub-Collector. According to the petitioner, despite the order passed by the first respondent, now, the second and third respondents are taking active steps to grant building plan permission and also the fourth and fifth respondents are trying to proceed with the construction. Hence, the present Writ Petition has been filed.

4. The learned Additional Government Pleader appearing for the second respondent submitted that the application for building plan permission submitted by the fourth and fifth respondents is still pending with the authority. So far, no order has been passed.

5. Even though notice was served on the fourth and fifth respondents, none appeared on behalf of the fourth and fifth respondents.

6. I have heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first and third respondents and the learned Additional Government Pleader appearing for the second respondent and perused the materials available on record carefully.

7. Considering the submission made by the learned Additional Government Pleader appearing for the second respondent that, so far, the second respondent has not passed any order on the application submitted by the fourth and fifth respondents, the apprehension of the petitioner is totally misconceived. Hence, there is no merit in the Writ Petition.

8. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

1. The District Revenue Officer,
Trichirapalli District,
Trichy.

2. The Commissioner,
Trichy City Corporation,
Trichirapalli.

3. The Member / Secretary,
Local Planning Authority,
Kajamalai,
Trichy.

+1cc to Mr.A.Chandrakumar, Advocate Sr.No.46506
+1cc to Mr.N.S.Karthikeyan, Advocate Sr.No.46453
+1cc to The Spl.Government Pleader Sr.No.46568

MYR

VB/MR/SAR1/16.02.2018/3P/7C

W.P (MD) No.22692 of 2017
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