



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. (MD)No.19690 of 2019

and W.M.P. (MD) No.16169/2019

V.N.A.S.Chandiran

: Petitioner

Vs.

1.The Principal Secretary,
Town and Country Planning and Housing Board,
Secretariat, St. George Fort,
Chennai.

2.The Commissioner
Town and Country Planning and Housing Board,
No.807 Anna Salai, Chennai.

3.The Commissioner
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

4.The Member Secretary/Municipal Commissioner
Kodaikanal Municipality
Kodaikanal Local Planning Authority,
Kodaikanal
Dindigul District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the 3rd respondent to accord approval of the building plan submitted to the third respondent on 12.06.2019 and other authorities before it as early as possible.

For Petitioner : Mr.MC.D.Johnson

For Respondents : Mr.A.Muthukaruppan for R1 & R2

Additional Government Pleader

Mr.T.S.Mohammed Mohideen for R3 and R4

ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

The present writ petition has been filed seeking a direction to the third respondent to accord approval of the building plan submitted by the petitioner to the third respondent on 12.06.2019.



2.The petitioner had earlier approached this Court by filing W.P.(MD) No.15021/2019, wherein, he sought for a direction to the third respondent for according approval for a building plan, dated 12.06.2019, and till such approval of the building plan, the building in question shall be desealed. It is brought to our notice that the said writ petition has been withdrawn by the petitioner on 30.07.2019.

3. In the present writ petition before us, the petitioner has bifurcated the prayer that has been made in W.P.(MD) No.15021/2019, as one of final relief and the other one as an interim relief and contended that the application dated 12.06.2019 may be considered as representation and disposed of by the third respondent.

4. However, we are not inclined to accept the contention of the petitioner, since the petitioner has already withdrawn the said writ petition (W.P.(MD) No.15021/2019) without seeking any liberty and this Court has also not granted any liberty to the petitioner to file any fresh writ petition. Hence, we are of the view that the present writ petition is not maintainable. It is made clear that if the petitioner has got any grievance, he can work out his remedy by filing necessary petition for review in the writ petition that has already been disposed of.

5. In the result, this writ petition is dismissed as not maintainable. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Town and Country Planning and Housing Board,
Secretariat, St. George Fort,
Chennai.

2.The Commissioner
Town and Country Planning and Housing Board,
No.807 Anna Salai, Chennai.

+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate (SR-86507[F] dated 13/09/2019)

<https://hcds.courtsgov.in/hcds/> JOHN SON, Advocate (SR-86731[F] dated 16/09/2019)



+1 CC to SPL GP (SR-86930[F] dated 16/09/2019)

Order made in
W.P. (MD) No.19690 of 2019
and W.M.P. (MD) No.16169 of 2019
Dated: 13.09.2019

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