



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.22703 of 2019

Ramesh @ Oyyappan

... Petitioner

vs.

1.The District Collector,
Madurai, Madurai District.

2.The Deputy Director,
Office of Town and Country Planning
4, Hakkim Amalkhan Road,
Chinna Chokkikulam,
Madurai-02.

3.The Executive Officer,
A.Vallalapatty Town Panchayat,
Melur Taluk,
Madurai District.

... Respondents

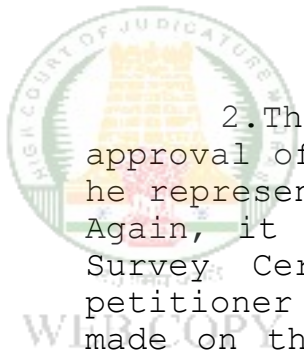
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 3rd respondent to approve building plan submitted by the petitioner to construct a house under the Tamil Nadu Panchayat Building Rules, 1997 based on the application made by the petitioner on 11.4.2019 which represented on 09.8.2019.

For Petitioner : Mr.M.Balakrishnan

For Respondent : Mrs.J.Padmavathi Devi
Special Government Pleader for RR-1 & 2
Mr.P.Kannithevan
Standing Counsel for R-3

O R D E R

This writ petition has been filed for issuance of a direction, directing the 3rd respondent to approve building plan submitted by the petitioner to construct a house under the Tamil Nadu Panchayat Building Rules, 1997, based on the application made by the petitioner on 11.4.2019, which was represented on 09.8.2019.



2.The petitioner has approached the third respondent for approval of building plan and it was returned on 20.06.2018. Again, he represented the same on 09.08.2019, after rectifying the defects. Again, it was returned on 20.08.2019 with a direction to obtain a Survey Certificate from the Surveyor to the effect that the petitioner has not encroached any public pathway. This return was made on the basis of the complaint made by the residents of that village to the District Collector. Further, it was pointed out that there are discrepancies with regard to measurements found in blue print, building plan and title deed. Aggrieved over the same, the petitioner has approached this Court.

3.Admittedly, the building plan has been considered by the third respondent and in order to rectify the defects, it was returned. There is also a complaint from the residents of the village about the encroachment of the public pathway by the petitioner. Hence, a duty is cast upon the petitioner to clarify all those defects and discrepancies before seeking building plan approval. Without re-presenting the plan approval, the petitioner has rushed to this Court prematurely.

4.Accordingly, this Court is of the view that the writ petition is maintainable. What is challenged in the writ petition is only a letter and not an order. Therefore, it is open to the petitioner to rectify all the defects pointed out by the third respondent and get building plan approval. In the event of the petitioner submitting a complete application rectifying all those defects, the third respondent shall consider the same on merits and in accordance with law.

5.In the result, the writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vs

To

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Madurai District.



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Madurai District.

+1 CC to M/s.M.BALAKRISHNAN, Advocate SR-94524.

+1 CC to SPL GP SR-94893.

W.P. (MD) No.22703 of 2019
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CS(12.11.2019) 3P 6C