

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.7956 of 2020

V.Chandrasekar

..Petitioner

.Vs.

1.The Deputy Director,
Department of Town and Country Planning,
Dharmapuri Region,
Appavu Nagar-83,
Pidamaneri Road,
Dharmapuri.

2.The Block Development Officer (Village Panchayat),
Panchayat Union,
Soolagiri Taluk,
Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant approval for construction of a commercial building pursuant to the proposal sent by the 2nd respondent vide Proceedings in Na.Ka.3087/2019/E4 dated 03.10.2019 in respect of land in Survey No.122/3 and 123 situate at Berigal Village, Soolagiri Taluk, Krishnagiri District, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.S.N.Parthasarathi
Government Advocate

ORDER

This writ petition has been filed seeking for the issue of a writ of mandamus directing the respondents to consider the application submitted by the petitioner who is seeking for the grant of the approval for construction of a commercial building.

2.The case of the petitioner is that he is the absolute owner of the land and he has submitted an application to the 2nd respondent seeking for granting approval for construction of a commercial building. It is the further case

of the petitioner that the petitioner has also executed a gift deed dated 13.04.2007, in this regard. The further case of the petitioner is that by an order dated 12.07.2018, the errors that had crept in during the time of the sub division was also set right and a Patta was ultimately granted in favour of the petitioner by the Tahsildar. The petitioner thereafter submitted the necessary application with the plan showing the proposed construction along with the necessary charges, before the 2nd respondent. The 2nd respondent by his communication dated 03.10.2019, had forwarded the entire records to the 1st respondent. The grievance of the petitioner is that the 1st respondent has not taken up the application till date and it is being kept pending. Therefore, the present writ petition has been filed seeking for appropriate directions.

3. Heard Mr.R.Bharath Kumar, learned counsel appearing for petitioner and Mr.S.N.Parthasarathi, learned Government Advocate appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the application submitted by the petitioner and which has been forwarded by the 2nd respondent by his letter dated 03.10.2019 and deal with the same strictly in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the letter dated 03.10.2019 and also a copy of this order. A copy of the representation shall also be marked to the 2nd respondent.

This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Deputy Director,
Department of Town and Country Planning,
Dharmapuri Region,
Appavu Nagar-83,
Pidamaneri Road,
Dharmapuri.

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2.The Block Development Officer (Village Panchayat),
Panchayat Union,
Soolagiri Taluk,
Krishnagiri District.

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RSV(CO)
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