



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10044 of 2020

Nobil Thomas

... Petitioner

Vs.

- 1.The Special Officer,
Koodankulam Panchayat,
Radhapuram Taluk,
Tirunelveli District.
- 2.The Nuclear Installation Local Authority/
Project Committee,
Represented by its Chairman,
Koodankulam, Radhapuram Taluk,
Tirunelveli District.
- 3.The Assistant Director,
Department of Geology and Mining,
Tirunelveli.
- 4.N.Maria Robin

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to give permission for construction of building by considering the planning application submitted before the second respondent on 30.04.2019 within the time fix by this Court.

For Petitioner : Mr.H.Arumugam

For R1 and R3 : Mrs.S.Srimathy
Special Government Pleader

For R2 : Mr.C.Muthusaravanan

For R4 : Mr.S.Kumar



O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner had purchased the property in survey No.152 in Koodankulam Village, measuring an extent of 1.39.00 hectares. The petitioner proposes to construct a row of residential houses. The petitioner had given an application for building plan approval in April 2019. His grievance is that it has not been disposed of till date. Since the site is located in sterilization zone, the application has to be cleared by the special committee. The committee has been arrayed as respondent No.2 in this writ petition. In fact the meeting of the committee has to be convened by the jurisdictional BDO, who is also the Special Officer of the Koodankulam Panchayat/R1. The respondents 1 and 2 are directed to consider the petition mentioned application on merits and in accordance with law. If the petitioner's application is otherwise in order, the respondents 1 and 2 will of course grant the building plan approval as sought for. The entire exercise shall be concluded within a period of eight weeks from the date of receipt of copy of this order.

3.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Special Officer,
Koodankulam Panchayat,
Radhapuram Taluk,
Tirunelveli District.

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



2.The Chairman,
Nuclear Installation Local Authority/
Project Committee,
Koodankulam, Radhapuram Taluk,
Tirunelveli District.

3.The Assistant Director,
Department of Geology and Mining,
Tirunelveli.

+1 CC to M/s.S. KUMAR, Advocate (SR-18167[F] dated 28/09/2020)

+1 CC to M/s.Special Govt. Pleader (SR-18220[F] dated 28/09/2020)

W.P. (MD) No.10044 of 2020
24.09.2020

sj
SDS (13.10.2020) 3P-6C