



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14184 of 2019

WEB COPY

J.Prakash Pandian

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Collectorate,
Dindigul.

2.The Executive Officer,
Pannaikadu Town Panchayat,
Pannaikadu, Kodaikanal Taluk,
Dindigul District.

3.The Director,
Town and Country Planning, Chennai.

4.The Deputy Director,
Town and Country Planning,
Madurai Region, Madurai.

... Respondents

[Respondents 3 and 4 are *suo motu* impleaded vide Court order dated 08.07.2020 in W.P. (MD)No.s14184 of 2019]

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records comprised in Roc.No.37/2018, dated 11.06.2019 on the file of the second respondent, quash the same as being arbitrary, illegal and consequently, direct the respondents to accord planning permission and trade licence for the petitioner's LPG Gas Godown and Showroom at S.No.847/3 at Pannaikadu Village, Kodaikanal Taluk, Dindigul District.

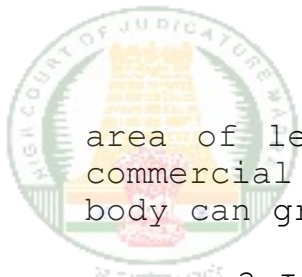
For Petitioner
For Respondents

: Mr.Raguvaran Gopalan
: Mr.P.Mahendran,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants to set up a LPG Gas Godown in Pannaikadu Village. The petitioner moved the local body seeking approval. The local body initially took the stand that it is not having the power to grant permission. It is now clarified by the communication of the public information officer/ Director of Town and Country Planning that in respect of buildings having built up



area of less than two thousand square feet and in respect of the commercial buildings having ground floor and first floor, the local body can grant planning permission.

3. In the case on hand, the petitioner intends to put up godown having built up area of 700 square feet. Therefore, the local body, namely, the Executive Officer, Pannaikadu Town Panchayat can very well grant permission to the writ petitioner herein. But that is not the end of the matter. The petitioner has to obtain clearance from the Director of Town and Country Planning for converting the land use from 'Agricultural' to 'non Agricultural'. For the Director of Town and Country Planning grant such permission, the petitioner must obtain No Objection Certificate from three departments, namely, Agricultural Department, Forest Department and Mining Department.

4. It is stated that the petitioner has already obtained No Objection Certificate from the Agricultural Department. He has to obtain No Objection Certificate from two more departments. After the petitioner obtains No Objection Certificate from two departments and submits the same to the Director of Town and Country Planning, he has to consider the petitioner's request for land use conversion and pass orders within a period of four weeks thereafter. After granting such approval, the local body, namely, the Executive Officer, Pannaikadu Town Panchayat will take the final decision within a period of four weeks thereafter. The petitioner has been running from pillar to post for more than two years. Therefore, the authorities will adhere to the time limit stipulated above.

5. This Writ Petition is disposed on the above terms. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

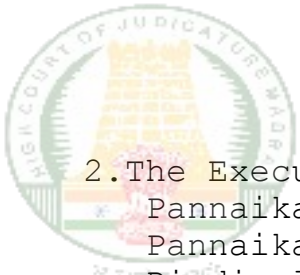
das

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 District Collector,
Dindigul District, Collectorate,
Dindigul

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



2.The Executive Officer,
Pannaikadu Town Panchayat,
Pannaikadu, Kodaikanal Taluk,
Dindigul District.

WEB COPY

3.The Director,
Town and Country Planning, Chennai.

4.The Deputy Director,
Town and Country Planning,
Madurai Region, Madurai.

+1 CC to M/s.GP (SR-16133[F] dated 07/09/2020)

W.P. (MD) No.14184 of 2019
04.09.2020

—
KK(16.09.2020) 3P 6C