



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

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THE HONOURABLE MR. JUSTICE **ABDUL QUDDHOSE**

W.P(MD) No.15705 of 2020

A.Bootharaj .. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer,
Madurai East Union,
Madurai.

3.The President,
Y.Othakkadai Panchayat,
Y.Othakkadai.

4.K.Muthusamy .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to dispose petitioner's appeal No.1014 of 2020 dated 24.02.2020 filed under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997, within the time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam
For R1 : Mr.C.Ramesh
Special Government Pleader

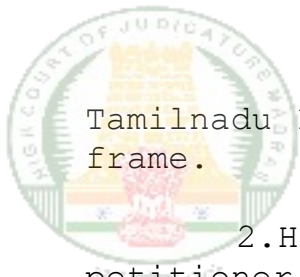
For R2 & R3 : Mr.S.Angappan
Government Advocate

For R4 : Mr.M.S.Jeyakarthik

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a mandamus seeking for a direction to the 1st respondent to dispose petitioner's appeal in appeal No.1014 of 2020 dated 24.02.2020 filed under Rule 29(2) of



Tamilnadu Panchayat Buildings Rules, 1997, within a stipulated time frame.

2.Heard Mr.Mr.D.Selvanayagam, learned counsel for the petitioner, Mr.C.Ramesh, who accepts notice for the 1st respondent, Mr.S.Angappan, who accepts notice on behalf of the respondents 2 and 3 and Mr.M.S.Jeyakarthik, who accepts notice on behalf of the 4th respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.It is the case of the petitioner that aggrieved by the order dated 27.01.2020 passed by the 3rd respondent granting building sanction in favour of the 4th respondent in S.No.138/11C2 in Kodikulam Bit Village, bearing Plot No.1, measuring to an extent of 1459 square feet, he preferred an appeal before the 1st respondent in appeal No.1014 of 2020 on 24.02.2020, under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997. It is the case of the petitioner that till date, the said appeal has not been disposed of by the 1st respondent. In such circumstances, this writ petition has been filed seeking for a direction to the 1st respondent to dispose of the said appeal within the time framed to be fixed by this Court.

5.It is the contention of the 4th respondent that till date no notice has been received by the 4th respondent in the appeal filed by the petitioner before the 1st respondent under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997. It is also his contention, the building sanctioned by the 3rd respondent vide order dated 27.01.2020 is in accordance with law.

6.The relief sought for by the petitioner in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the appeal filed by the petitioner before the 1st respondent under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997 is directed to be disposed of on merits and in accordance with law, within a stipulated time frame.

7.Admittedly, the appeal filed by the petitioner on 24.02.2020, has been numbered as appeal No.1014 of 2020. Undoubtedly, the 4th respondent, who is the aggrieved party, will have to be heard and sufficient opportunity would have to be granted to him before final orders are passed by the 1st respondent in the appeal filed by the petitioner under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997.



8. For the foregoing reasons, this Court directs the 1st respondent to issue fresh notice to the 4th respondent in the appeal filed by the petitioner on 24.02.2020, which has been numbered as appeal No.1014 of 2020 under Rule 29(2) of Tamilnadu Panchayat Buildings Rules, 1997 and after hearing the 4th respondent as well as the petitioner and after affording sufficient opportunity to both of them, including granting them personal hearing, shall pass final orders on merits and in accordance with law within a period of six weeks from the date of issuance of the fresh notice by the 1st respondent to the 4th respondent.

9. It is made clear that the 1st respondent shall pass final orders, uninfluenced by any of the observations made by this Court.

10. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Madurai District,
Madurai.
2. The Block Development Officer,
Madurai East Union,
Madurai.



3.The President,
Y.Othakkadai Panchayat,
Y.Othakkadai.

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+1 CC to M/s.GP (SR-21748[F] dated 10/11/2020)

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BUS (CO)
TR(19.11.2020) 4P 5C