



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15786 of 2020

Subramanian

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Thisaiyanvilai Town Panchayat,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to grant renewal to the building plan approval granted in Ka.Ma.No.289/2012-2013 dated 31.01.2013 by considering his application dated 04.12.2019.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mrs.VPM.Vaishnavi for R1
Government Advocate
Mr.D.Muruganantham for R2
Additional Government Pleader

ORDER

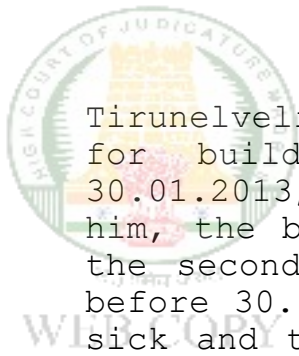
(This writ petition is heard through Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to grant renewal of the building plan approval granted on 31.01.2013 by considering the petitioner's application dated 04.12.2019.

2.Heard Mr.T.Lenin Kumar, learned counsel for the petitioner, Mrs.VPM.Vaishnavi, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.D.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the second respondent.

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

4.It is the case of the petitioner that he is the owner of the property measuring about 0.00.50 hectares comprised in S.No.11/19B, situated at Thisaiyanvilai Village, Radhapuram Taluk,



Tirunelveli District. According to him, he submitted an application for building plan approval with the second respondent, on 30.01.2013, enclosing all the necessary documents. According to him, the building plan submitted by the petitioner was approved by the second respondent and he had to construct the building on or before 30.01.2016. However, according to the petitioner, he became sick and therefore, he could not complete the building before the expiry date. Hence, he applied for renewal of the building plan approval with the second respondent on 04.12.2019. According to him, despite submission of the renewal application, the second respondent has not considered the same, till date.

5.It is the case of the petitioner that he has also sent a reminder on 19.01.2020, to the second respondent calling upon him to renew the approved building plan. It is his case that under Rule 30 of the Tamilnadu Panchayat Building Rules, 1997, he is entitled for renewal of the approved building plan for a further period. In such circumstances, this writ petition has been filed, seeking for renewal of the approved building plan.

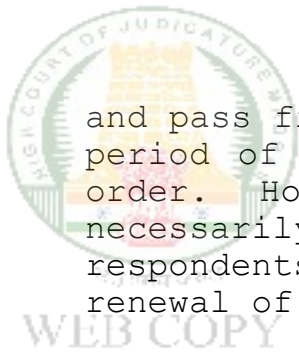
6.The relief sought for in this writ petition is an innocuous relief. Rule 30 of the Tamilnadu Panchayat Building Rules, 1997 reads as follows:

"30.Lapse of Permission- If the construction or reconstruction of any building is not completed within the period specified, the permission shall lapse and a fresh application shall be made before the work is continued."

7.It is the case of the petitioner that he was unable to construct the building as per the earlier building sanction issued by the respondent on 31.01.2013, due to his illness. It is also his case that since he was unable to complete the building, he had sought for renewal of the building sanction in accordance with Rule 30 of the Tamilnadu Panchayat Buildings Rules, 1997. It is his case that till date, the renewal application has not been considered by the second respondent. This Court is of the considered view that the second respondent ought to have considered the application dated 04.12.2019, submitted by the petitioner seeking for renewal of the plan approval on merits and in accordance with law.

8.No prejudice will be caused to the respondents, if the renewal application of the petitioner is considered by the respondent on merits and in accordance with law.

9.For the foregoing reasons, the second respondent is directed to consider the petitioner's application dated 04.12.2019, seeking for renewal of planning permission for his property measuring about 0.00.50 hectares comprised in S.No.11/19B, situated at Thisayanvilai Village, Radhapuram Taluk, Tirunelveli District,



and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioner will have to necessarily satisfy all the statutory requirements of the respondents including payment of necessary charges, for obtaining renewal of the planning permission.

10. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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

The Tahsildar,
Seranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.GP (SR-21800[F] dated 10/11/2020)

**W.P (MD) .No.15786 of 2020
10.11.2020**

**PM(CO)
AP(24/11/2020) 3P 3C**