



WEB COPY

W.P(MD)No.17449 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17449 of 2020

and

W.M.P(MD)No.14598 of 2020

Noorulla

... Petitioner

Vs.

The Executive Officer,
Thondi 1st Grade Town Panchayat,
Ramanathapuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned order of the respondent made by his proceedings in Na.Ka.No.377 of 2020 dated 29.10.2020 and quash the same as illegal, consequently, to direct the respondent to consider and pass orders on the application dated 24.11.2020 by the petitioner seeking planning and building permission in S.No.125 /4, situated at Villathumanakottai Street, Ward No.10 at Thondi, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner	: Mr.D.Venkatesh
For Respondent	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has challenged the Notice, dated 29.10.2020 issued by the respondent in Na.Ka.No.377 of 2020, by which, the respondent has directed the petitioner to stop the construction being made by the petitioner for conversion of the agricultural lands for commercial purposes.

2.Heard Mr.D.Venkatesh, learned Counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondent.

3.It is evident from the records that already a writ petition in W.P(MD)No.10801 of 2020 has been filed by one Sathick Ali stating that the petitioner herein and two others are making unauthorised construction by way of encroachment, wherein, this Court, by order

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dated 28.09.2020, directed the 6th respondent to take action against them as per law and the relevant portion of the order, dated 28.09.2020, reads as follows:

"5. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the first respondent to proceed further in terms of the notice of the 6th respondent dated 21.08.2020, addressed to the 7th respondent, in accordance with law and also by adhering to the principles of natural justice and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the private respondents 7 to 9."

4. Pursuant to the directions of this Court only, the present impugned notice, dated 29.10.2020 has been issued and therefore, the petitioner cannot have any grievance. It is submitted by the learned Counsel for the petitioner that the petitioner has given an application, dated 24.11.2020 along with documents, seeking plan approval, which is required to be considered.

5. In the light of the above, the respondent is directed to consider the application, dated 24.11.2020 given by the petitioner seeking plan approval, by keeping in mind the order passed by this Court in W.P(MD)No.10801 of 2020, on 28.09.2020 and pass appropriate orders on or before 11.12.2020 on merits and in accordance with law. Till such order is passed, there shall not be any coercive action.

6. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

7. Post on 14.12.2020 under the caption '**For reporting compliance**'.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



W.P (MD) No.17449 of 2020

To

The Executive Officer,
Thondi 1st Grade Town Panchayat,
Ramanathapuram District

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai
(For Reporting Compliance on 14.12.2020)

W.P (MD) No.17449 of 2020

04.12.2020

NS (CO)

KK (09.12.2020) 3P 3C