

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.9643 of 2021

B. Manimekalai

.. Petitioner

Vs.

The Panchayat President,
Semmipalayam Panchayat,
Palladam,
Tiruppur District

... Respondent

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondent to approve and grant planning permission for the construction of residential house at S.F.No.69/2 to the extent of 4939 sq.ft. Situated at Semmipalayam Village, K.N. Puram Post, Palladam Taluk, Tiruppur District based on the representation made by the petitioner dated 21.01.2021.

For Petitioner : Mr.S.Doraiswamy

For Respondents: Mr. Thanga Vadhana Balakrishnan
Govt. Advocate

O R D E R

The prayer made in this writ petition is to issue a Mandamus directing the respondent to approve and grant planning permission for the construction of residential house in the land at S.F.No.69/2, Semmipalayam Village, K.N.Puram Post, Palladam Taluk, Tiruppur District, measuring to an extent of 5.65 acres, based on the representation made by the petitioner dated 21.01.2021.

2.It is the case of the petitioner that she was allotted the subject land by a registered partition deed dated 12.11.2020 bearing Doc.No.3338 of 2020. As she wanted to construct a residential house in the same, she prepared the estimate and arrived at the cost at Rs.15,11,060/- and also obtained encumbrance certificate for a period from 01.01.2020 to 19.01.2020 from the Sub Registrar, Palladam and a copy of patta No.1124 in respect of S.No.69/2, which stands in the name of the

petitioner as well his son Arjunan. Thereafter, on 21.01.2021, she preferred an application enclosing all the required documents, to the respondent requesting to approve and grant planning permission for the proposed construction. However, the respondent, by letter dated 10.03.2021, stated that the estimate should be in accordance with Circular Memo No.HDO(A)/48518/2003 dated 20.04.2020 and also directed the petitioner to furnish certain documents. Stating that the proposed building is going to be constructed in a low cost and hence, the said circular will not be applicable to her and the documents called for were already enclosed in the application itself, the petitioner sent her reply on 17.03.2021. Even after receipt of the same, there was no response on the claim of the petitioner. Therefore, this writ petition.

3.Heard both sides and perused the materials placed before this Court.

4.Considering the limited relief sought for herein, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 21.01.2021 for approval and grant of planning permission and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

msr

To
The Panchayat President,
Semmipalayam Panchayat,
Palladam,
Tiruppur District

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.23885

W.P.No.9643 of 2021

RK(CO)
CB(18/06/2021)