



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .No.11851 of 2021
and W.M.P. (MD) .No.9304 of 2021**

J.Prabakaran

...Petitioner

Vs.

1.The District Collector,
Madurai District Collector Office,
Madurai District.

2.The Member Secretary,
Local Planning Authority,
Madurai Corporation Building,
Madurai - 2.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.4157/2020/Mathi 2 on the file of the 2nd respondent, dated 10.02.2021 and quash the same and consequently issue direction direct the respondents to permit the petitioner to construct storage warehouse in suit property S.No.81/5C and 81/4C, Paravai Village, Madurai District, total extent 71 cents.

For Petitioner : Mr.J.Gunaseelanmuthiah

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent, dated 10.02.2021 and for a consequential direction to the respondents to grant permission to the petitioner to put up a storage warehouse in the subject property.

2.Heard Mr.J.Gunaseelanmuthiah, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.

3.The second respondent has rejected the claim made by the petitioner mainly on the ground that the subject property has been classified as an agricultural land. Therefore, the second respondent has found that unless the petitioner obtains change of usage of the land from the appropriate authority, no sanction can be issued by the second respondent.



4. When the matter was taken up for admission, the learned Government Advocate also circulated the written instructions received from the second respondent, wherein, it has been specifically stated that R.S.No,332/4 and 332/5, which is relatable to UDR S.No.81/4C and 81/5C, are classified as agricultural lands. The relevant records are also circulated before this Court.

5. In view of the above, this Court does not find any ground to interfere with the impugned proceedings of the second respondent. It is left open to the petitioner to make an appropriate application before the District Collector, under Rule 6 of The Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017 and seek permission to convert the agricultural land. Thereafter, the petitioner can make an application before the second respondent seeking for sanction to put up a storage warehouse in the subject property.

6. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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:

1. The District Collector,
Madurai District Collector Office,
Madurai District.

2. The Member Secretary,
Local Planning Authority,
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Madurai - 2.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-22779[F] dated 15/07/2021)

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