



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1590 of 2014

Ganapathy

... Petitioner

vs.

1.The District Collector,
Kanyakumari District, at Nagercoil.

2.The Executive Officer,
Kollemcode Town Panchayat,
Kanyakumari District.

3.Viswanathan

4.Lawrence Justin

5.Marydhasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents 1 and 2 from granting plan approval to the respondents 3 to 5 to construct building in Old S.No.1237/4 Resurvey No.553/8 of Kollemcode Village, Vilavancode Taluk, Kanyakumari District by considering the representation of the petitioner, dated 03.01.2014.

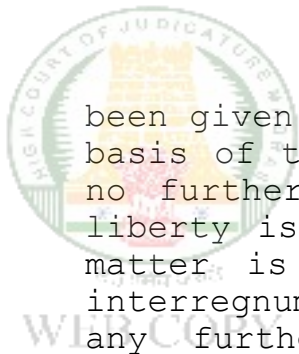
For Petitioner	:Mr.S.C.Herold Singh
For R1	:Mr.D.Gandhiraj
	Special Government Pleader
For R2	:Mr.S.Kumar

O R D E R

Heard Mr.S.C.Herold Singh, learned Counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader for the first respondent and Mr.S.Kumar, learned Standing Counsel for the second respondent. There are three further respondents/private individuals.

2.The relief sought in the Writ Petition is in the nature of Mandamus to forbear the respondents 1 and 2 from granting any plan approval to the private respondents to construct any building in Old S.No.1237/4 Resurvey No.553/8 of Kollemcode Village, Vilavancode Taluk, Kanyakumari District. In this regard, the petitioner had given a representation on 03.01.2014.

3.Now seven years have passed from that particular date. Mr.S.Kumar, learned Standing Counsel for the second respondent, however, states that no application seeking planning approval had



been given by the respondents 3 to 5. This statement is made on the basis of the counter affidavit. In view of that particular stand, no further orders are required in this Writ Petition. However, liberty is granted to the petitioner in view of the fact that the matter is taken up after nearly seven years, that if, in the interregnum period, third, fourth and fifth respondents had given any further application for planning approval to the second respondent, then the second respondent may issue notice to the petitioner, hear the objections and thereafter, pass a considered and detailed order with reasons. If in the interregnum period of seven years, it is found by the petitioner that the respondents 3, 4 and 5 have actually put up a construction, then the petitioner may seek the necessary plan which had been granted to them and if there are any deviations, raise that issue in a separate proceedings.

4. In view of the above, The Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The District Collector,
Kanyakumari District, at Nagercoil.

2. The Executive Officer,
Kollemcode Town Panchayat,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-34633[F] dated 16/11/2021)

+1 CC to M/s.V. RAGHAVACHARI, Advocate (SR-34637[F] dated 16/11/2021)

+1 CC to M/s.SPL GP (SR-34443[F] dated 15/11/2021)

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SS (CO)
KB (25.11.2021) 2P 6C