



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.11474 of 2011

and

M.P. (MD) .No.1 of 2011

Masijdur Rahuman Masjid
Represented by its President,
M.Sheik Ashraf Ali

... Petitioner

Vs.

1.The Executive Officer,
Selection Grade Town Panchayat,
Nazerath,
Tuticorin District.

2.The Assistant Engineer,
TANGEDCO,
Nazareth,
Tuticorin.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records pertaining to the impugned communication in Ka.No.Umi.Po/V1Nasa/Ko.Ka/Ko.Ka/A.No.371/11-12 dated 24.09.2011 on the file of the second Respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 : Mr.K.A.Thirumalayappan

For R-2 : Mr.S.Deenadhayan

ORDER

The present writ petition has been filed challenging the communication of the second respondent, under which the writ petitioner was directed to produce the title deeds and building plan permission within a period of 15 days. Otherwise, the service connection would be disconnected.



2. The learned counsel for the petitioner submits that the building plan has been submitted to the first respondent as early as in September 2011 and the same is pending with them. The learned counsel pointed out Section 220 (3) of Tamil Nadu Panchayat Act to. In case, the local authority has not communicated to the applicant about the fact of the building plan approval application within a period of 30 days, the application shall be deemed to have been allowed. In the present case, though the application has been presented in the year 2011, so far the first respondent has not taken any decision and intimated the same to the writ petitioner. The writ petitioner was right in contending that under the deemed provision of Section 220 (3) of the above said act, building plan approval has been deemed to have been granted to the writ petitioner.

3. The petitioner in typed set of papers has produced the sale deed in favour of the writ petitioner, Mosque. In view of the above said facts, the impugned communication issued by the second respondent on 24.09.2011 does not require any further enquiry.

4. It is seen from the sale deed dated 13.03.2008 that the property belongs to the writ petitioner, Mosque and the building plan is deemed to have been approved in favour of the writ petitioner. Hence, the communication of the second respondent is hereby set aside. The service connection already effected shall continue.

5. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

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 Executive Officer,
Selection Grade Town Panchayat,
Nazerath,
Tuticorin District.

2.The Assistant Engineer,
TANGEDCO,
Nazareth,
Tuticorin.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-24749[F] dated
09/06/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-25055[F] dated
10/06/2022)

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MGJ(20.06.2022) 3P 5C