



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.543 of 2022

Dr.K.Ezhilarasu

... Petitioner

Vs.

1.The District Collector,
Inspector of Panchayat,
Kanyakumari District,
Nagercoil.

2.The Assistant Director,
District Town Planning Office,
Nagercoil,
Kanyakumari District.

3.The President,
Beemanagari Village Panchayat,
Naarkalmdam,
Thirupathisaram,
Kanyakumari District.

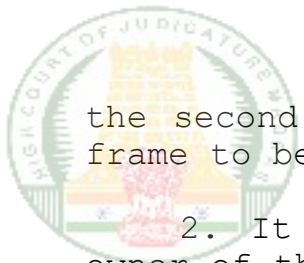
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to grant planning approval to the petitioner for construction of Carewell Multispecialty Hospital in Sr.Nos.189/8, 189/9 and 195/8, Thirupathisaram Village, Thoivalai Taluk, Kanyakumari District after receiving the fee under the supervision of the first respondent as directed by the second respondent in the letter dated 25.10.2021 expeditiously.

For Petitioner	:	Mr.C.Godwin
For R-1 and R-2	:	Mr.M.Lingadurai Special Government Pleader.
For R-3	:	Mr.C.Satheesh

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to grant planning approval to the petitioner for the construction of Carewell Multispeciality Hospital in Survey Nos.189/8, 189/9 and 195/8 at Thirupathisaram Village, Thoivalai Taluk, Kanyakumari District after receiving the fee under the supervision of the first respondent, as directed by



the second respondent in the letter dated 25.10.2021 within a time frame to be fixed by this Court.

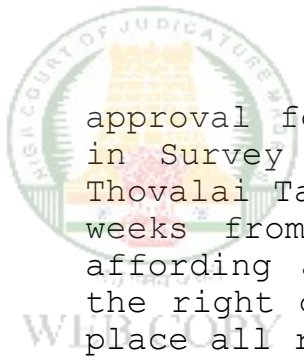
2. It is the case of the petitioner that he is the absolute owner of the aforementioned property, where he proposes to construct a multispeciality hospital. According to him, he has submitted an application for planning approval with the second respondent, which has been forwarded to the third respondent through the letter of the second respondent dated 25.10.2021. The planning approval application was submitted by the petitioner with the second respondent on 22.06.2020 and the second respondent has granted permission on 26.04.2021. Thereafter, it was forwarded to the third respondent by the second respondent on the same date. However, according to the petitioner, till date, the third respondent has not granted planning approval to the petitioner. In such circumstances, he has filed this Writ Petition.

3. Heard Mr.C.Godwin, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the first and second respondents and Mr.C.Satheesh, learned Standing Counsel, who accepts notice on behalf of the third respondent.

4. Learned Standing Counsel for the third respondent has placed before this Court a Circular dated 20.07.2021 issued by the District Collector, Kanyakumari District, stating that whenever Nanja lands are involved, the District Collector's permission is required. Therefore, he would submit that since the petitioner has not obtained the approval of the first respondent, his application seeking for planning approval was not processed by the third respondent.

5. However, it is the contention of the petitioner that he has satisfied all the statutory requirements for the grant of planning approval in his name. Learned counsel for the petitioner would also submit that the petitioner has already paid the necessary charges for obtaining the planning approval. The third respondent ought to have considered the application submitted for planning approval on merits and in accordance with law by passing an order either accepting or rejecting the petitioner's application which he has not done so. Even though the petitioner's application seeking for planning approval was made on 22.06.2020, admittedly, the said planning approval application was forwarded to the third respondent only on 26.04.2021. Thereafter, the petitioner has also made several representations to the third respondent calling upon him to grant planning approval. But, despite those representations till date, the third respondent has not passed final order on the petitioner's application.

6. Therefore, this Court directs the third respondent to pass an order on the petitioner's application seeking for planning approval.



approval for the construction of Carewell Multispeciality Hospital in Survey Nos.189/8, 189/9 and 195/8 at Thirupathisaram Village, Thoivalai Taluk, Kanyakumari District, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting the petitioner to place all records relevant for obtaining planning permit approval.

7. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Inspector of Panchayat,
Kanyakumari District,
Nagercoil.
- 2.The Assistant Director,
District Town Planning Office,
Nagercoil,
Kanyakumari District.
- 3.The President,
Beemanagari Village Panchayat,
Naarkalmdam,
Thirupathisaram,
Kanyakumari District.

+1 CC to M/s.C.GODWIN, Advocate (SR-10480[F] dated 08/03/2022)
+1 CC to M/s.SPL GP (SR-10608[F] dated 08/03/2022)

W.P. (MD) .No.543 of 2022
07.03.2022

RK(18/03/2022) 3P 6C