



W.P(MD)No.16878 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16878 of 2013

and

M.P(MD)Nos.1 to 3 of 2013

P.Thangapandian

... Petitioner

Vs.

1.The Assistant Divisional Engineer,
National Highways,
Madurai.

2.The Commissioner,
Usilampatti Municipal Corporation,
Usilampatti,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in Lr.R.C.No.35/2012/JDO, dated 09.02.2012 and the consequential proceedings of the second respondent in Na.Ka.No. 169/2013/C1, dated 21.08.2013 and quash the same as illegal and consequently direct the respondents not to disturb the petitioner's



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possession of the land properties in S.No.199/5 and S.No.199/6B Block No.36, T.S.No.1/11 and T.S.No.1/12 situate at Usilampatti, Madurai District.

For Petitioner : No appearance

For Respondents : M/s.A.Baskaran
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent herein, under which, the request of the petitioner for grant of building plan approval has been rejected.

2. A perusal of the impugned order indicates that the building plan approval has been rejected on the ground, that the petitioner has not paid the fees. Apart from that, the second respondent has further found that there is a proposal for formation of a bye-pass road in the National Highways and hence, the building plan approval cannot be granted. As far as, the demand for the payment of license fee, development charges and other amount is concerned, the petitioner cannot challenge the same. As far as the ground that there is a proposal for formation of a bye-pass



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road in the National Highways is concerned, unless acquisition proceedings are initiated by the appropriate statutory authorities, the second respondent cannot deny building plan permission.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The second respondent is directed to consider the application for building plan approval afresh on payment of necessary charges. The writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

14.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.16878 of 2013

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