



W.P(MD)No.1673 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1673 of 2021

B.G.Shaji

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,

2.The Thasildhar,
Thuckalay.

3.The President,
Panchayath Board,
Thenkarai.

3.The Special Officer,
Tenkarai Panchayat/
Rural Development Officer,
Kuruthankode Panchayath Board.

... 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 pertaining to the impugned order passed by the 4th respondent in his proceedings in ந.க.எண்.அ/1/2018 நாள் 30.11.2018 and quash the same as illegal and to direct the 1st and 2nd respondents give permission to approve the plan



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approval and consequently direct the 3rd and 4th respondents to approve the plan approval in the above housing plot of 5 ½ of cents in Sruvey No.495/5A1A at Thenkarai Village Panchayath, Kanyakumari District.

For Petitioner : Mr.Gomathi Panchatcharam

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader for R1 & R2
Mr.K.P.Narayanakumar for R3
No appearance for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner applied to the fourth respondent seeking planning approval for putting up a house. The fourth respondent by the impugned communication 30.11.2018 denied the petitioner's request on the ground that the land on which the construction is proposed has been classified in the revenue record as agricultural land (wet land). The impugned communication cannot be faulted. The petitioner has to get prior permission from the District Collector for construction. In this case, the petitioner has not obtained such a permission. The petitioner has now submitted an application dated 28.01.2022 before the first respondent. A copy of the acknowledgment indicating receipt of



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the same has also been enclosed. The first respondent is directed to pass final order on the petitioner's application dated 28.01.2022 for putting up construction within a period of eight weeks from the date of receipt of a copy of this order.

3.The writ petition is disposed of accordingly. No costs.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Collector,
Kanyakumari District,
- 2.The Thasildhar,
Thuckalay,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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