



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5346 of 2022

and W.M.P. (MD) .No.4354 of 2022

WEB COPY

K.Rajakumar

.. Petitioner

Vs

- 1.The District Collector,
Kanniyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanniyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Kanniyakumari District,
Nagercoil.
- 4.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.
- 5.The Inspector of Police,
Rajakkamangalam Police Station,
Rajakkamangalam Post,
Kanniyakumari District.
- 6.The Executive Officer,
Ganapathipuram Town Panchayat,
Ganapathipuram,
Kanniyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to grant building permission and plan approval to the petitioner's prayer hall situated at S.No.682/12 of Neendakarai B Village in Agasteeswaran Taluk.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.B.Saravanan for R1 to R5
Additional Government Pleader

Mr.G.Suriyananth for R6
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to grant building permission and plan approval to the petitioner's prayer hall, situated at S.No.682/12 of Neendakarai B Village in Agasteeswaran Taluk, within a time frame to be fixed by this Court.

2.Heard Mr.M.Gnagurunathan, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5 and Mr.G.Suriyananth, learned Additional Government Pleader, who accepts notice on behalf of the 6th respondent.

3.According to the petitioner, he applied for building permission and plan approval for the aforementioned property on 12.12.2019, with the 6th respondent. According to the petitioner, his application has also been forwarded by the sixth respondent to the first respondent on 03.01.2020. However, the first respondent is yet to pass final orders on the petitioner's application, seeking for grant of building permission and plan approval. In such circumstances, he has filed this writ petition.

4.On instructions, the learned Additional Government Pleader would submit that the petitioner's property has already been under lock and seal as he has constructed the said building unauthorisidely. However, it is the contention of the petitioner that it is only a shed and not a pucca building as contented by the learned Additional Government Pleader. It is for the respondents to consider and decide whether the building plan permission can be granted for the petitioner's property or not. The petitioner has submitted the application seeking for building permission and plan approval on 12.12.2019, itself. The said application has also been forwarded by the 6th respondent to the first respondent on 03.01.2020. Admittedly, no final orders have been passed till date.

5.No prejudice will be caused to the respondents, if the petitioner's application seeking for granting building permission and plan approval is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the first respondent to consider the petitioner's application, dated 12.12.2019, seeking for grant of building permission and plan approval for his prayer hall, situated at S.No.682/12 of Neendakarai B Village in Agasteeswaran Taluk, Kanniyakumari District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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,
Kanniyakumari District, Nagercoil.
2. The Superintendent of Police,
Kanniyakumari District, Nagercoil.
3. The Revenue Divisional Officer,
Kanniyakumari District, Nagercoil.
4. The Tahsildar,
Agasteeswaram Taluk, Nagercoil.
5. The Inspector of Police,
Rajakkamangalam Police Station,
Rajakkamangalam Post, Kanniyakumari District.
6. The Executive Officer,
Ganapathipuram Town Panchayat,
Ganapathipuram, Kanniyakumari District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-14661[F] dated 25/03/2022)

+1 CC to M/s.SPL GP (SR-14860[F] dated 28/03/2022)

W.P. (MD)No.5346 of 2022

25.03.2022

MGJ(04.04.2022) 3P 10C

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