



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7682 of 2022

and

W.M.P. (MD) .No.5807 of 2022

G.Urudhamalai

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

3.The President,
Sankaralingapuram Village Panchayat,
Virudhunagar District.

4.The Panchayat Secretary,
Sankaralingapuram Village Panchayat,
Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order of the third respondent dated 07.12.2021 and quash the same as illegal and unconstitutional, consequently direct the respondents 3 and 4 to grant building plan approval for the building of the petitioner situated in S.No.953/1A, Sankaralingapuram Village, Virudhunagar Taluk and District and thereby assess property tax for the same within the time frame without insisting pendency of any litigation.

For Petitioner : Mr.S.Balamurugan

For R-1 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-2 to R-4 : Mr.P.Thambidurai,
Government Advocate.



ORDER

This Writ Petition has been filed challenging the impugned order dated 07.12.2021 passed by the third respondent rejecting the petitioner's planning permit application.

WEB COPY

2. The petitioner has challenged the impugned order on the ground that the third respondent, by total non-application of mind to the fact that no interim order has been granted in the Civil Court proceedings, has rejected the planning permit application of the petitioner.

3. Admittedly, there is a statutory appellate remedy available to the petitioner as against the order dated 07.12.2021, which is impugned in this Writ Petition. The petitioner has not exercised the same.

4. Learned counsel for the petitioner would now submit that the petitioner is willing to file a statutory appeal as against the impugned order dated 07.12.2021. The same is recorded.

5. Accordingly, this Writ Petition is disposed of by granting liberty to the petitioner to file a statutory appeal as against the impugned order dated 07.12.2021 before the appropriate competent authority in the manner known to the petitioner under law. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To:

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.



3.The President,
Sankaralingapuram Village Panchayat,
Virudhunagar District.

4.The Panchayat Secretary,
Sankaralingapuram Village Panchayat,
Virudhunagar District.

+1 CC to M/s.S. BALAMURUGAN, Advocate (SR-20527[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP (SR-20900[F] dated 25/04/2022)

W.P. (MD) .No.7682 of 2022

22.04.2022

RD(05.05.2022) 3P 7C