



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.8186 of 2022

Santhanam

... Petitioner

Vs

1.The District Collector,
Karur, Karur District.

2.The District Town and Country Planning Officer,
Karur Municipal Corporation Complex,
Azad Road, Karur Town,
Karur District.

3.The Block Development Officer,
Krishnarayapuram Panchayat Union,
Krishnarayapuram Taluk,
Karur District.

4.The President,
Chithalavai Village,
Munaiyanur,
Krishnarayapuram Taluk,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein not to grant building plan approval for the property situated at S.Nos.373/5B and 374/2B, Chithalavai Village, Krishnarayapuram Taluk, Karur District, by considering the petitioner's representation, dated 04.04.2022.

For Petitioner : Mr.P.Samuel Gunasingh
For Respondents : Mr.M.Lingadurai for R1 and R2
Special Government Pleader
Mr.J.K.Jeyaseelan for R3 and R4
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents not to grant building plan approval in favour of Mr.Venugopal, for the property situated at S.Nos.373/5B and 374/2B, Chithalavai Village, Krishnarayapuram Taluk, Karur District, based on the petitioner's representation, dated 04.04.2022.



2.It is the case of the petitioner that Mr.Venugopal, who is his neighbour is constructing a building and blocking the pathway. The apprehension of the petitioner is that he has approached the fourth respondent seeking for building plan approval. Therefore, the petitioner has given a representation on 04.04.2022, to the respondents, requesting the second and fourth respondents to hear the petitioner before granting any building plan approval to Mr.Venugopal. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.P.Samuel Gunasingh, the learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.J.K.Jeyaseelan, learned Government Advocate, who accepts notice on behalf of the respondents 3 and 4.

4.On instructions, the learned Government Advocate, appearing for the respondents 3 and 4 would submit that till date, no application has been filed by Mr.Venugopal, seeking for building plan approval as alleged by the petitioner. The said statement is recorded.

5.However, this Court is of the considered view that since the contention of the petitioner is that Mr.Venugopal, who is his neighbour, is constructing a building and blocking the pathway, he has to be heard as and when any application seeking for building plan approval is filed by Mr.Venugopal.

6.For the foregoing reasons, this writ petition is disposed of, by directing the second and fourth respondents to issue notice of hearing to the petitioner, as and when Mr.Venugopal files an application seeking for building plan permission for construction of his commercial complex building in S.Nos.373/5B and 374/2B, situated at Chithalavai Village, Krishnarayapuram Taluk, Karur District. No costs.

Sd/-

Assistant Registrar (Records)

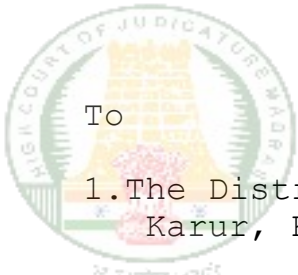
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Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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+1 CC to M/s.SPL. GP (SR-22992[F], SR-22521[F] dated 29/04/2022)

W.P.(MD)No.8186 of 2022
27.04.2022

RS (26.05.2022) 3P-6C