



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.01.2022
CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

WEB COPY

W.P. (MD)No.10011 of 2021

Reeta

... Petitioner

vs.

1.The Block Development Officer,
Aruppukottai Panchayat Union,
Virudhunagar District.

2.The President,
Kanjanyakkanpatti Village,
Aruppukottai Union,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the petitioner's application, dated 08.04.2020 along with her communication, dated 29.10.2020 and grant building plan approval for the building proposed to be constructed by the petitioner in S.No.55/3B3 in Kanjanayakkanpatti Village, Aruppukottai Taluk, Virudhunagar District.

For Petitioner	: Mr.S.M.Arunkumar
For R1	: Mr.N.Satheesh Kumar
	Additional Government Pleader
For R2	: Mr.B.Saravanan

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the second respondent/President, Kanjanayakkanpatti Village, Aruppukottai Union, Virudhunagar District, to consider the petitioner's application, dated 08.04.2020 and to grant building plan approval for the proposed building by the petitioner in S.No.55/3B3 in Kanjanayakkanpatti Village, Aruppukottai Taluk, Virudhunagar District.

2.Heard Mr.S.M.Arunkumar, learned Counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader for the first respondent and Mr.B.Saravanan, learned Counsel for the second respondent.



3.In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner had purchased the aforesaid property by way of a sale deed, dated 11.03.2019. There was also a portion of the property retained by the vendor for common usage. The petitioner wanted to construct a building in the aforesaid land. She had forwarded an application to the Town Planning Office, Virudhunagar. There were several communications between the petitioner and the respondents.

4.My attention is drawn to a communication dated 09.10.2021 issued by the second respondent to the petitioner herein, wherein, they have stated that they entertained a doubt whether DTCP approval is required.

5.It is stated by Mr.B.Sarvanan, learned Standing Counsel for the second respondent that if the entire land is to be sub divided into plots and marketed out, then DTCP approval would be required. However, if a portion of the land is constructed, then regularisation of the said plan alone is required.

6.Let the petitioner approach the second respondent with proper application as to the nature of construction which they intended to construct and whether the entire land is sub divided into plots and marketed out or whether they are to construct a house simpliciter. On receipt of such representation or application given by the petitioner, a direction is given to the second respondent to consider the same and pass orders by following due process within a period of twelve weeks from the date of receipt of such application.

7.With the said observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Block Development Officer,
Aruppukottai Panchayat Union,
Virudhunagar District.



2.The President,
Kanjanyakkanpatti Village,
Aruppukottai Union,
Virudhunagar District.

+1 CC to M/s.S.VANITHA, Advocate (SR-709[F] dated 07/01/2022)

W.P. (MD)No.10011 of 2021
04.01.2022

NSN (CO)
SB(19.01.2022) 3P 4C