



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21883 of 2022

N.Chinthamani

..Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The President,
Koothalur Village Panchayat,
Kallal Panchayat Union,
Sivagangai District.

3.S.Meenal

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to return the plan approval in Na.Ka.No.3, dated 4.8.2022 and the house tax receipt for the year 2022-23 to the Petitioner by considering the Petitioner's representation, dated 7.9.2022.

For Petitioner :Mr.A.Vadivel

For Respondent-1 :Mr.A.Kannan
Addl.Govt.Pleader

For Respondent-2 :Mr.M.Siddharthan
Addl.Government Pleader

**ORDER**

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The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent to return the plan approval in Na.Ka.No.3, dated 4.8.2022 and the house tax receipt for the year 2022-23 to the Petitioner by considering the Petitioner's representation, dated 7.9.2022.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the first respondent and Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner is having a house property in Old S.No.120/4 Part, situated at Koothalur Village Panchayat, Sivagangai District Part, which is in enjoyment of the Petitioner for the past sixty years and the Petitioner's father-in-law and fore-father has constructed a thatched house in the said property before sub-division and after sub-division, the said tiled house was demolished on 4.8.2022 and obtained plan approval to the said house and house tax also paid to the said house for the year 2022-23.The Petitioner has also paid the proper fees for the house approval. While-so, the second respondent, without any notice, simply took the above documents from his house. When the Petitioner requested the second respondent to return the same, he



refused to hand over the same. Presently, the Petitioner is having patta for the said land under 'Nilavari Scheme' which stands in the name of his father-in-law namely, Alagan, son of Andi. The said patta deals with possession and enjoyment of the said land. Since the above said documents were not returned, the Petitioner has sent a representation to the first respondent on 7.9.2022 for return of the same. Since the same was not considered, the Petitioner has filed the present Writ Petition.

4. The learned Additional Government Pleader appearing for the first respondent would submit that his application for plan approval which has been submitted by the Petitioner, has been approved and plan was also granted on 4.8.2022 which is valid upto 4.8.2024 signed by the concerned Panchayat President of Koothalur Village Panchayat, Kallal Panchayat Union.

5. In view of the above, the second respondent is directed to return the plan approval in Na.Ka.No.3, dated 4.8.2022 and the house-tax receipt for the year 2022-23 to the Petitioner within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of.

7. It is seen from the typed-set of papers that the Petitioner has



given a representation to the authorities only on 7.9.2022 and filed the Writ Petition before this Court on 13.09.2022, within six days from the date of representation, without even giving breathing time to the authorities to consider the representation and hence this Court is inclined to impose cost on the Petitioner and accordingly, the Petitioner is directed to pay a sum of Rs.500/-(Rupees five hundred only) as costs to the Government Higher Secondary School, Y.Othakadai, Madurai(Current Account No.10968750674, State Bank of India, Tallakulam Branch, IFSC Code No.SBIN0000253) within a period of one week from the date of receipt of a copy of this order, failing which, this writ Petition shall stand automatically dismissed, without further reference to this Court.

15.09.2022

Index : Yes/No
Internet:Yes/No
vsn

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The President,
Koothalur Village Panchayat,
Kallal Panchayat Union,
Sivagangai District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.21833 of 2022

15.09.2022



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