



W.P.(MD)No.23521 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

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G.S.Ramachandran

... Petitioner

Vs.

1.The Director,
Town and Country Planning Authority,
Annasalai,
Chennai – 600 002.

2.The Assistant Director of Town and Country Planning,
Office of the Assistant Director of Town & Country Planning,
33, 4th Rajappanagar,
Medical College Road,
Thanjavur.

3.The Executive Officer,
Thirunageswaram Town Panchayat,
Thirunageswaram,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to grant exemption under the provision of 113 C of the Tamil Nadu Town and Country Planning Act, 1971 and remove the seal in respect of petitioner's Kalyana Mandapam on the basis of the petitioner's application dated 20.01.2022 vide receipt



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No.DTCP/REG/113-C/708/2022 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondents 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
For 3rd Respondent : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents to grant exemption under the provision of 113 C of the Tamil Nadu Town and Country Planning Act, 1971 and to remove the seal in respect of his Kalyana Mandapam on the basis of his application dated 20.01.2022, vide receipt No.DTCP/REG/113-C/708/2022, within a time frame.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the third respondent. By consent of both parties, the



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Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that the petitioner is eking out his livelihood by running the Kalyana Mandapam in question and the third respondent has sealed the same on 10.01.2022 on the ground that there are deviations in his construction and the construction is contrary to the approval granted by the authorities and in order to get exemption under Section 113-C of Town and Country Planning Act, 1971, the petitioner filed an application dated 20.01.2022, vide receipt No.DTCP/REG/113-C/708/2022, paying necessary deviation charges for unauthorized constructions, to the first respondent and the same, according to the learned counsel for the petitioner, remains as such.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the first respondent to consider his application dated 20.01.2022, vide receipt No.DTCP/REG/113-C/708/2022, and dispose of the same within a time frame.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the application or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the first respondent to consider the application of the petitioner dated 20.01.2022, vide receipt No.DTCP/REG/113-C/708/2022 for granting exemption under Section 113-C of Town and Country Planning Act, 1971, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all other parties concerned. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
12.10.2022

Internet : Yes / No
Index : Yes / No
sj

To
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