



W.P(MD)No.24302 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

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

W.P(MD)No.24302 of 2022

G.Lakshmanan,
S/O.T.M.P.Ganapathy Mudaliar,
D.No.4, Mandhiriyar Street,
Kavunji, Mannavanur,
Kodaikanal,
Dindigul.

Represented by his power agent,
S.Kalidasan Sugumaran.

... Petitioner

vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to pass orders on the revised plan application dated 26.07.2022 submitted by the petitioner within a time frame fixed by this Court.

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For Petitioner : Mr.B.Prasanna Vinoth
For R – 1 : Mr.N.GA.Nataraj
Government Advocate
For R – 2 : Mr.T.S.Mohammed Mohideen

ORDER

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

According to the petitioner by name, G.Lakshmanan, he is the absolute owner of the property in Ward-D, Block-6, T.S.No.73, situated at No.1/49, Woodville Road, Kodaikanal. He constructed a building in the said property, after submitting the building plan approval application to the second respondent and was running a hotel business from the year 1998, besides a hospital at Kavunji village. He has been paying all the taxes to the authorities concerned, without any default. While so, pursuant to the order of this court dated 26.02.2019 in WP(MD)No.914 of 2018, the hotel run by the said Lakshmanan, was sealed by the second respondent. Subsequently, the Government issued a G.O.Ms.No.47, Housing and Urban Development Department dated 06.03.2019, whereby a new modified master plan for Kodaikanal Local Planning area was published. Based on the same, the



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petitioner filed an appeal under section 80A of the Tamil Nadu Town and Country Planning Act before the Principal Secretary to Government, Housing and Urban Development Department, Chennai -9 for removal of lock and seal. The said appeal was disposed of, with certain directions, by order dated 29.01.2021, according to which, the building was opened by the second respondent on 17.02.2021. Consequently, the construction of the building was modified and an application dated 26.07.2022 was submitted to the first respondent, who intturn, forwarded the same to the second respondent for necessary action, by proceedings in O.Mu.No.23966/2022/G3 dated 11.08.2022. However, no approval was granted by the authority concerned, till date. Therefore, the petitioner has come up with this writ petition seeking a direction to the respondents to pass orders on the revised plan application dated 26.07.2022, within a time frame to be stipulated by this court.

2.Heard both sides and perused the documents enclosed in the typed set of papers.



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3.Considering the limited nature of the relief sought herein, this court, without expressing any opinion on the merits of the claim made by the petitioner, directs the respondent concerned to pass appropriate orders, on the revised plan application of the petitioner, dated 26.07.2022, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4.With the aforesaid direction, this writ petition stands disposed of.

No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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20.10.2022