



W.P.(MD) No.28616 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28616 of 2022

and

W.M.P.(MD)No.22646 of 2022

R.V.Ram Rathnam

... Petitioner

-Vs-

The Executive Officer,

Thisayanvilai Special Grade Town Panchayat,

Thisayanvilai, Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.100/2018 dated 30.11.2022 and quash the same and consequently, to direct the respondent to give approval of planning permission pursuant to the application dated 12.11.2022.

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For Petitioner : Mr.H.Arumugam

For Respondent : Mr.D.Sadiq Raja,
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the order of the respondent dated 30.11.2022, directing the petitioner to demolish the building constructed in Survey No.16/2A2, Arputha Vinayakar Kovil Street, Thisayanvilai, Tirunelveli District, this Writ Petition is filed with a consequential direction to direct the respondent to give approval of planning permission, pursuant to the application dated 12.11.2022.

2. According to the petitioner, he made an application dated 12.11.2022 under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act'), seeking approval for planning permission. Though the respondent has received the same on 14.11.2022, he has not taken any action till date. In the meantime, the petitioner came to know that the respondent is taking steps to demolish the building in question. Hence, he sent a representation dated 16.11.2022, requesting the respondent not to take any

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action, till the disposal of the application dated 12.11.2022. However, without considering the same, the respondent has issued the present impugned order. Hence, the petitioner has approached this Court with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that as per Section 56(4)(a) of the Act, when an application for planning permission is pending, the notice issued under Section 56(2) of the Act, shall not give any effect. Therefore, the impugned order is liable to be quashed.

4.The learned Standing Counsel for the respondent has produced the proceedings of the respondent dated 14.12.2022 and submitted that the application of the petitioner was returned by pointing out some defects and there is no signature in the application as well as the documents annexed thereto submitted by the petitioner. Therefore, as on date, there is no application pending before the respondent.



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5. In view of the above, we are of the view that the prayer sought for in this Writ Petition cannot be granted to the petitioner and there is no merit in the Writ Petition. Hence, this Writ Petition stands dismissed, however, with liberty to the petitioner to make a fresh application before the respondent. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
22.12.2022

Index : Yes / No
Internet : Yes / No
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