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W.P.No.19749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19749 of 2023

Fathima Thabasu

...Petitioner

Vs.

1.The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore District.

2.The Executive Officer/Village Panchayat President,
Seevur Village Panchayat,
Gudiyatham Panchayat Union,
Gudiyatham Taluk, Vellore District.

3.The Tahsildar,
Gudiyatham Taluk,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to grant building planning permission to the petitioner in respect of the land comprised in Survey No.31/2 situate Seevur Village, Gudiyatham Taluk, Vellore District, measuring an extent of 0.10.5 acre or 11,331 Sq.ft based on the application addressed the 2nd respondent and payment of charge vide challan No.5003



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dated 20.10.2022.

For Petitioner : Mr.C.Prabhakar
for Mr.G.Vinodhkumar

For Respondents 1 &2 : Mr.Mrs.E.Ranganayaki
Additional Government Pleader

For respondent 3 : Mr.N.Naveen Kumar
Government Advocate

ORDER

The writ petition filed by the petitioner seeking direction to the respondents to grant building plan permission to the petitioner in respect of the proposed construction in Survey No.31/2, Seevur village, Gudiyatham Taluk, Vellore District within a time frame fixed by this Court.

2.. According to the petitioner, he is the owner of 11,331 Sq.ft of land in Survey No.31/2, Seevur village, Gudiyatham Taluk, Vellore District. The petitioner proposed to construct a building in the above said land and he made an application to the 2nd respondent on 20.10.2022. The petitioner along with his application enclosed necessary documents and also paid the charges for approval of the building plan. Despite the same, the 2nd respondent has not



considered the application of the petitioner and passed any further orders.

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3. The petitioner through her husband sent a representation to the 1st respondent requesting permission for his building plan. The 1st respondent in turn sent a communication to the 2nd respondent to take appropriate action on the application of the petitioner within a period of two days.

4. The main grievance of the petitioner in this writ petition is that the 2nd respondent has not considered the application submitted by the petitioner for building plan approval in spite of directions issued by the 1st respondent.

5. Mr.Mrs.E.Ranganayaki, learned Additional Government Pleader takes notice for the 1st and 2nd respondents. Mr.N.Naveen Kumar, learned Government Advocate takes notice for the 3rd respondent. On instructions, the learned counsel submits that in the building plan submitted for approval, southern side of the petitioner's property was shown as road and as per the revenue records it is classified as a water body. Therefore, the respondent is not in a position to process the application of the petitioner.



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6. The learned counsel for the petitioner submitted that though he prayed for a positive direction to the respondents to grant permission for his building plan he will be satisfied if 2nd respondent is directed to consider the application for building plan approval and pass orders within a time frame fixed by this Court.

7. In view of the limited prayer made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, inclined to direct the 2nd respondent to consider the application submitted by the petitioner dated 20.10.2022 and pass orders on merits within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

18.07.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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S.SOUNTHAR, J.

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To

- 1.The Block Development Officer,
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Gudiyatham, Vellore District.
- 2.The Executive Officer/Village Panchayat President,
Seevur Village Panchayat,
Gudiyatham Panchayat Union,
Gudiyatham Taluk, Vellore District.
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