



Rev.Aplw.No.64 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**Review Application No.64 of 2023
and WMP Nos.12649 & 12652 of 2023**

1.S.Prabhu
2.Kalpana

... Petitioners

-Vs-

1.The Arcot Lutheran Church
Represented by its Secretary
9, ALC Campus, Cuddalore.

2.The Commissioner
Panruti Municipality
Cuddalore.

3.The Revenue Divisional Officer
Panruti Municipality
Cuddalore.

4.The Tahsildar
Panruti Municipality
Cuddalore.

... Respondents

Prayer : Review Application under Order 47, Rule 1 read with Section 114 of CPC to review the order passed by this Court in W.P.No.12180 of 2021 dated 15.06.2022.

For Petitioners	:	Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchezian
For Respondents	:	Mr.P.Srinivas, Standing Counsel - for R2 Mr.R.Kumaravel Additional Government Pleader-for R3 & R4



WEB COPY



Rev.Aplw.No.64 of 2023

ORDER

(Order of the Court was made by **K.KUMARESH BABU, J.**)

This application has been filed seeking to review the order dated 15.06.2022 passed by this Court, wherein this Court has directed the first respondent to proceed further in accordance with law on the notice issued against the unauthorised construction made by the petitioners herein.

2. The petitioner herein seek to review the order contending that they are lessees under the original owner, who is the first respondent herein and that they had also been permitted to put up construction. Originally, the Municipality had issued notice dated 05.08.2022 calling upon the petitioners herein to provide various particulars. One of the compliance that was sought to be made is to make an application on-line.

3. Mr.G.Sankaran, learned Senior Counsel appearing for the review applicants / petitioners would submit that, it would be impossible to make an application on-line as they had to necessarily submit the No Objection Certificate from the original owner.

4. The said contention is contrary to Rule 6 of the Tamil Nadu Combined Building Rules, 2019 wherein even a leaseholder or Power of Attorney holder is entitled to make an application seeking planning permission or building permit for



Rev.Aplw.No.64 of 2023

the land in question.

WEB COPY

5. It is not disputed by the learned counsel for the second respondent / Municipality that the application has been received by them. He submits that the said application has been received through registered post and only on-line application could be considered by the Municipality. Citing the same, by a communication dated 05.08.2022, the application submitted by the petitioners was rejected. Thereafter, the review applicants / petitioners made another application on 12.08.2022 along with the building sanction plan and the lease deed. This also seems to have been made physically and not in the on-line mode as prescribed by the Municipality.

6. Learned counsel for the second respondent Municipality would submit that, if the application is made on-line along with relevant documents, the same would be considered by them and if any document is further required by them, they will seek for the same from the concerned person.

7. In such view of the matter, it would be suffice to permit the petitioners herein to make an application seeking planning permission for the building that has been constructed by them along with the sketch and the lease deed through on-line mode and on receipt of such application, the second respondent Municipality shall consider the same, of course after affording an opportunity to the first respondent



Rev.Aplw.No.64 of 2023

herein. If any objection is made by the first respondent, the same shall be considered in accordance with law. The petitioner is directed to file the on-line application along with relevant documents within a period of one week from today and thereafter the second respondent Municipality is directed to consider the same within a period of four weeks.

8. In view of the above, no further orders are necessary in this review application and the same is closed. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J..) (K.B.,J.)
08.08.2023

Index : Yes/No

Internet : Yes/No

KST

Note : Issue the order copy on 10.08.2023



WEB COPY



Rev.Aplw.No.64 of 2023

R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

Rev.Applw.No.64 of 2023

08.08.2023