



WEB COPY



W.P.No.24286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24286 of 2023

and

W.M.P.No.23744 of 2023

K.Suseela

...Petitioner

Vs.

1.The Director,
Department of Town and Country Planning,
Office of Directorate of Town and Country Planning,
Salem District.

2.The Block Development Officer,
Athur Taluk,
Salem District.

3.The President,
Thandavarayanpuram Panchayath,
Athur Taluk,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for
issuance of a Writ of Mandamus, directing the first respondent herein to take



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appropriate decision on the petitioner's application dated 08.02.2022 in application reference No. 202200402020623-06 within a time frame fixed by this Court.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.S.Silambannan,
Additional Advocate General II
Assisted by Mrs.S.Anitha for R1
Special Government Pleader

Mr.K.Karthikeyan for R2 and R3
Government Advocate

ORDER

The petitioner seeks a direction to the first respondent to take appropriate decision on the petitioner's application dated 08.02.2022 in application reference No.202200402020623, within a time stipulated by this Court.

2. It is the case of the petitioner that he is the proprietor of Venkatachalapathy Rice and Sago factory, which was established in and around the year 1960 by his father-in-law and his brother at Survey Nos.88/2A



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to 2F, 93/1, 95/2 and 95/3, Thandavarapuram Village, Athur Taluk, Salem District.

3. It is also stated by the petitioner that the building is assessed to tax by the third respondent local authorities and he has been paying the building tax. Suddenly, the petitioner received a communication from the third respondent directing him to produce the building plan approval order. The petitioner unable to trace the original building plan approval order and therefore, he made a request to the third respondent to furnish the original building plan approval order. The third respondent replied by stating that the documents requested by the petitioner are all 25 years old and the documents relating to the building approval prior to 25 years old were already destroyed from records. Therefore, the petitioner was constrained to apply for building plan approval through online on 08.02.2022 in Ref.No.202200402020623-06. It is also stated by the learned counsel for the petitioner that the building in the above mentioned property, is satisfying all requirement of the Planning Rules and therefore, there is no impediment for the first respondent to consider his application for building plan approval.



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4. Mr.S.Silambannan, learned Additional Advocate General-II assisted by Mrs.S.Anitha, learned Special Government Pleader takes notice for the first respondent and Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents 2 & 3.

5. The learned Additional Advocate General-II appearing for the first respondent submitted that the petitioner submitted online application and he may be directed to submit a hard copy of the application before the Deputy Director of Town and Country Planning, Salem.

6. The learned Additional Advocate General-II appearing for the first respondent also submitted that the first respondent is wrongly described as Director but he should have been described as Deputy Director of Town and Country Planning.

7. In view of the limited prayer made by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to direct the petitioner to submit a hard copy of his online



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application before the Deputy Director of Town and Country Planning, Salem District, within a period of one week from the date of receipt of copy of this order. On such submission, the Deputy Director of Town and Country Planning, Salem is directed to consider the application of the petitioner within a period of 8 weeks from the date of submission of the hard copy of the application by the petitioner.

8. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTCHAR, J.
dna

To

- 1.The Director,
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