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W.P. No. 30897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30897 of 2023

J.Sasikumar

... Petitioner

-VS-

1. The District Collector,
Collectorate,
Vellore District.
2. The Block Development Officer,
Pernambut,
Vellore District – 635810.
3. Kothapalli Village Panchayat
Represented by its President,
Kothapalli Village,
Pernambut Taluk,
Vellore District – 635810.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to grant planning permission to construct a Galvolum Sheet Roof Building in the Petitioner's property situated at Survey No. 133, Kothampalli Revenue Village, Pernambut Taluk, Vellore District by considering the Petitioner's application dated 12.09.2023.



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W.P. No. 30897 of 2023



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For Petitioner : Mr. S.V.S.Murugan
For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)
Mr. V.Kathiravan (for R2 & R3)

ORDER

Heard Mr. S.V.S.Murugan, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First Respondent, and Mr. V.Kathiravan, Learned Counsel, who takes notice for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made an application dated 12.09.2023 for granting planning permission to construct a galvalume sheet roof building in his property at Survey No. 133/2, Kothampalli Revenue Village, Pernambut Taluk, Vellore District, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Learned Additional Government Pleader appearing for the First Respondent, on instructions, states that the application has been made by the Petitioner for granting planning permission for construction of building for use



W.P. No. 30897 of 2023

as religious institution, which is governed by Rule 19 read with clause (6) of

Annexure – XVII of the Tamil Nadu Combined Development and Building

Rules, 2019, and is extracted below:-

19. Development prohibited or restricted areas.— The regulations for Development prohibited or restricted areas are furnished in Annexure - XVII. The Government may notify modifications to these regulations from time to time and such modifications shall prevail.

Annexure - XVII

(6) Construction of religious buildings- The competent authority shall not entertain any building application for construction of buildings in relation to any religious institution unless such application is accompanied with a No Objection Certificate obtained from the District Collector concerned.

Explanation- For the purpose of this rule, the religious institution shall mean any temple, math, mosque, church or any other place of worship, which is dedicated for the benefit of or used as of right, by the public as a place of religious worship.



WEB COPY



W.P. No. 30897 of 2023



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It is pointed out that inasmuch as the Petitioner has not produced the required 'No Objection Certificate' from the District Collector, the application for planning permission made by the Petitioner could not be considered by the concerned authority.

4. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to make necessary application for 'No Objection Certificate' before the competent authority, and if necessity arises thereafter, to work out his remedies before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with aforesaid clarifications. No costs.

31.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

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W.P. No. 30897 of 2023

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P.D. AUDIKESAVALU, J.

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