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W.P.(MD) No.10443 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.10443 of 2009

and

M.P.(MD) No.1 of 2009

T.Rengaraju

... Petitioner

-vs-

1.The Thasildar
Kulathoor Taluk
Pudukkottai District

2.Executive Officer
Keeranoor Municipality
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the entire records pertaining to the impugned notice of second respondent in Na.Ka.No.13/2009, dated 05.10.2009 and quash the same.



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For Petitioner : Mr.M.S.Suresh Kumar
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1
Mr.S.Kameswaran
Government Advocate for R2

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice dated 05.10.2009, issued by the second respondent, is sought to be quashed in this writ petition.

2. It is not in dispute that the petitioner had obtained building plan approval from the Planning Authority and constructed a residential premises as per the approved building plan. However, the petitioner had not completed the construction of compound wall within the time stipulated for want of funds and the learned counsel for the petitioner states that there was a delay in completing the construction of compound wall, which resulted in issuance of the impugned notice by the second respondent.



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3. When the petitioner has not violated the building plan approval and constructed a residential building within the time stipulated in the approval order, there is no reason to issue the impugned notice on account of the delay in constructing the compound wall, which cannot be construed as a serious violation and therefore, we are inclined to interfere with the impugned notice issued by the second respondent.

4. Accordingly, the writ petition is allowed and the impugned notice, dated 05.10.2009, issued by the second respondent, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

05.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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- 2.The Executive Officer,
Keeranoor Municipality,
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