



W.P(MD)No.1191 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1191 of 2023

and

W.M.P.(MD)No.1100 of 2023

N.Venkatesh Prabhu

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.

2.The Deputy Director of Town Panchayat,
Madurai District, Madurai.

3.The Executive Officer,
Alanganallur Town Panchayat,
Alanganallur, Madurai District.

4.R.S.Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to quash the impugned notice dated 13.01.2023 in Na.Ka.No.274/2021 issued by the 3rd respondent and consequently direct the 3rd respondent to pass orders on the



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petitioners application dated 05.08.2022 for the petitioner building plan approval for Sabari Engineering Works, Plot No.5, Sri Muniyandi Nagar in Survey No. 301/1A, 301/2, Alanganallur Town Panchayat, Madurai District.

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 & R2.
Mr.P.Subbaraj,
Spl. Government Pleader for R3.
Mr.p.Mahendran for R4.

ORDER

Heard the learned counsel on either side.

2.The fourth respondent herein filed W.P.(MD)No.17996 of 2021 before the Hon'ble Division Bench. The prayer made in the writ petition was as follows:-

“Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 9 herein to consider petitioner's representation dated 22.07.2021 for taking necessary action as against tenth respondent for unauthorized commercial construction in a residential area and running the lathe and welding works in the name and style of Sabari Engineering (Lathe and



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Welding) Works at Plot No.5 Sri Muniyandi Nagar, (Kettu Kadai Theru) comprised in S.No.301/1A, 301/2, Alanganallur Town Panchayat, Madurai District in accordance with law within the time stipulated by this Hon'ble Court.”

3.The said writ petition was disposed of as follows:-

“5. In view of the above submissions of the learned counsel for the parties, without expressing any opinion on the merits of the case, this Writ Petition is disposed of, with a direction to the respondents 1 to 9, to inspect the place in question and if there is any unauthorised construction as claimed by the petitioner, necessary action shall be taken after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

4.Pursuant to the said direction, the impugned order came to be passed.

The third respondent has noted in the impugned order dated 13.01.2023 that even though opportunity was given to the petitioner, he has not furnished relevant documents such as planning permission, license for conducting the business or consent from the pollution control board. I am of the view that the impugned order does call for any interference.



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5. At this stage, the learned counsel for the petitioner submitted that he will be satisfied that if the third respondent is directed to dispose of the application dated 05.08.2022 pending on his file. The third respondent is directed to dispose of the said application on merits and in accordance with law. The fourth respondent shall also be heard before final order is passed. The petitioner as well as the fourth respondent shall appear before the third respondent on 31.01.2023 at 03.00 pm. An appropriate order on merits shall be passed by the third respondent within a period of two weeks thereafter.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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