



W.P.(MD)No.3892 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.3892 of 2022

W.M.P.(MD) No.3355 of 2022

R.Subbulakshmi

... Petitioner

Vs.

1.The Collector,
Dindigul District,
Dindigul.

2.The Assistant Director,
Town Panchayat,
Collectorate,
Dindigul.

3.The Executive Officer,
Chinnalapatti Town Panchayat,
Chinnalapatti,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Na.Ka.No.81/2020/Aa dated 25.01.2022 on the file of the 3rd respondent and quash the same and direct the 3rd respondent to remove the pipe lines and gate valve laid in the house site of the petitioner in S.No.131/1 (New Sub Division No.131/1A2) of



W.P.(MD)No.3892 of 2022

Keelakoottai Village, Athoor Taluk, Dindigul District to the extent of 1110 sq.ft. and issue revised house building plan approval applied on 07.01.2022 to the petitioner.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has filed this Writ Petition challenging the impugned order passed by the Executive Officer of Chinnalapatti Town Panchayat dated 25.01.2022, rejecting the application submitted by the petitioner for getting revised plan approval.

2. The learned Additional Government Pleader appearing for the respondents, by inviting the attention of this Court to the proceedings of the third respondent dated 09.12.2021, submitted that the petitioner has constructed a commercial complex with a construction area of 2272 square feet and since the area of construction exceeds 2000 square feet the building plan should have a technical approval from the local planning authority.



W.P.(MD)No.3892 of 2022

WEB COPY

3. When the Executive Officer of the Town Panchayat has rejected the revised plan on the ground that the building plan should have a technical approval from the local planning authority, this Court is not inclined to entertain the Writ Petition and having regard to the admitted facts, this Writ Petition is not maintainable.

4. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to approach the Local Planning Authority for getting technical approval for the revised plan. When such an application is filed by the petitioner before the Local Planning Authority, the Local Planning Authority shall consider the same and pass appropriate orders on merits and in accordance with law, after hearing the petitioner and providing him an opportunity to produce relevant documents, within a period of six weeks from the date of receipt of the application. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

25.07.2023

NCC : Yes / No

Index : Yes / No

sj



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W.P.(MD)No.3892 of 2022

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

sj

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- 1.The Collector,
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Dindigul.
- 2.The Assistant Director,
Town Panchayat,
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Dindigul.
- 3.The Executive Officer,
Chinnalapatti Town Panchayat,
Chinnalapatti,
Dindigul District.

W.P(MD)No.3892 of 2022

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