



W.A.(MD)No.1877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1877 of 2023

K.Balachandran

... Appellant

Vs.

1.N.S.Shajahan (died)

2.The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram, Dindigul District.

3.The Commissioner of Municipal,
Administration, Ezhilagam,
Chepauk, Chennai-600 005.

4.Faridha Begam

5.S.Abdul Samad

6.S.Nasreen Begam

7.Abu Bakkar Siddiq

...Respondents

(R4 to R7 are substituted as LRS of the deceased 1st respondent vide Court order dated 26.07.2023 made in C.M.P.(MD)No.12444 of 2019 in C.M.P.(MD)No.1561 of 2019 in W.A.(MD)SR.No.800 of 2019)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.6284 of 2015, dated 22.04.2015 on the file of this Court.

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For Appellant : Mr.PT.S.Narendravasan

For R2 & R3 : Mr.S.Kameswaran, Government Advocate

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been instituted against the order dated 22.04.2015 passed in W.P.(MD)No.6284 of 2015.

2.In fact, the Writ Petition was closed by the learned Single Judge based on the submissions made by the learned Standing Counsel appearing for Ottanchathiram Municipality. However, the appellant before us in the year 2018 filed another Writ Petition in W.P.(MD)No.6095 of 2018, seeking relief to direct the respondent Municipality to consider the application submitted by the writ petitioner for building plan approval on 22.12.2017 relating to the property in Survey No.77A/1B measuring 9,803.34 sq.ft Ottanchathiram Village, Dindigul District.

3.Writ Court considered the earlier order of this Court dated 22.04.2015 passed in W.P.(MD)No.6284 of 2015 and based on the facts placed, passed an order on 02.08.2018, directing the Municipality to consider the application for building plan approval submitted by the appellant. In compliance with the



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directions issued by this Court in W.P.(MD)No.6095 of 2018, the Commissioner of Ottanchathiram Municipality passed an order in proceedings dated 10.10.2018, rejecting the approval application submitted by the appellant. Challenging the said order, admittedly, the writ petitioner filed W.P.(MD)No.22876 of 2018, which is pending before this Court.

4.In view of the above facts, the adjudication of disputes on merits become unnecessary. More so, the order dated 22.04.2015 passed in W.P.(MD)No.6284 of 2015 reveals that the Writ Petition was closed based on the submissions made by the learned Standing Counsel for Ottanchathiram Municipality and thus, the issues were not adjudicated on merits. Therefore, the appellant is at liberty to workout his remedy by placing all the facts and circumstances before the Writ Court in the pending W.P.(MD)No.22876 of 2018. Accordingly, this Writ Appeal stands disposed of. No costs.

(S.M.S., J.) & (V.L.N., J.)

30.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

1.The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram, Dindigul District.

2.The Commissioner of Municipal,
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