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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.11878 of 2023

and

W.M.P.(MD)No.10307 of 2023

Chinnadurai

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Assistant Director,
Town Panchayat,
O/o.The AD Town Panchayat,
Jawahar Nagar, NGO "A" Colony, Tirunelveli.

3.The Executive Officer,
Sankar Nagar Special Grade Town Panchayat,
Sankar Nagar, Tirunelveli.

4.The Chairman,
Sankar Nagar Special Grade Town Panchayat,
Sankar Nagar, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to grant building plan permission/approval to the petitioner in Plot No.5, Sri



Ram Nagar in Survey No.432/1A1C, Naranammalpuram Village Bit-1,
Tirunelveli Taluk and District.

For Petitioner :Mr.K.Navaneetharaja
For Respondents :Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents, the District Collector, Tirunelveli, the Assistant Director, Town Panchayat, Tirunelveli, the Executive Officer, Sankar Nagar Special Grade Town Panchayat, Tirunelveli and the Chairman, Sankar Nagar Special Grade Town Panchayat, Tirunelveli, to grant building plan permission/approval to the petitioner in Plot No.5, Sri Ram Nagar in Survey No.432/1A1C1, Naranammalpuram Village Bit-I, Tirunelveli District.

2.Heard Mr.K.Navaneetharaja, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.



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3.In the affidavit filed in support of this Writ Petition, it had been stated that S.No.432/1A1C1, at aforementioned village belongs to one Muthammal and she converted the same into a layout in the name and style of “Sri Ram Nagar”. The petitioner had purchased a house site in Plot No.5 on 23.09.2021 measuring 120.28 sq.metrts through a sale deed registered as Doc.No.3289/2021. The petitioner had also been issued with patta No.1439. The layout was also approved by the Director of Town and Country Planning through approval No.M.V(Mu)/M(TVL) No.84/2019.

4.It had been stated that the petitioner then approached the third respondent, the Executive Officer, Sankar Nagar Special Grade Town Panchayat, Tirunelveli to get building plan permission and approval for construction along with his title deed and other documents. The third respondent directed that necessary charges to be paid and the petitioner had also paid Rs.7,000/- through bank for Manual Workers General Welfare New Board. He further paid a sum of Rs.9,075/- on 30.03.2023 for development charges and a total sum of Rs.5,445/- for plot registration before the third respondent Panchayat. However, the



building plan permission had not been granted to the petitioner. It is under these circumstances, the Writ Petition has been filed in the nature of a Mandamus seeking direction to grant building plan permission/approval to the petitioner for the Plot No.5, Sri Ram Nagar in Survey No.432/1A1C1, Naranammalpuram Village Bit-1, Tirunelveli District.

5.The learned Additional Government Pleader, who had taken notice on behalf of the respondents, had forwarded instructions, wherein, it is stated that two individuals, namely, M.Rajendran, son of Madasamy, Pasumpon Nagar, Sankar Nagar, Tirunelveli and M.Durai, also the son of Madasamy, residing at 52A, Sankar Nagar, had given complaints that with the help of forged document, namely, Doc.No.3571/2020, and also with the help of another document registered as Doc.No.1090/18, four individuals, namely, Govindaraj, Muthammal, wife of Govindaraj, Mariappan and Mahalakshmi wife of Mariappan had created a lay out on the basis of such forged documents. It is contended that it is from Muthammal the petitioner had purchased the property. It has been stated that since that particular complaint is pending, building plan permission



cannot be granted at this stage.

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6. These are facts which have not been stated in the affidavit filed in support of this Writ Petition. The third respondent is directed to pass necessary orders on the application given by the petitioner seeking building plan permission and very specifically state about the trace of title and the complaint given by the aforementioned two individuals and if building plan permission cannot be granted, pass an order of refusal to grant building plan permission with necessary reasons. If required, the third respondent may issue notice to the petitioner and give an opportunity of hearing and also provide opportunity of hearing to the two individuals, namely, M.Rajendran and M.Durai, and thereafter pass orders on the application of the petitioner herein. The third respondent need not keep the petition pending, but take a considered decision. If the third respondent is of the opinion that still planning permission can be granted, then necessary orders may be passed but orders will have to be passed. The order may be passed on or before 31.07.2023.



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7.The Writ Petition stands disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

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

06.06.2023

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To

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O/o.The AD Town Panchayat,
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4.The Chairman,
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Sankar Nagar, Tirunelveli.

C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.11878 of 2023

06.06.2023