



W.P.(MD)No.17475 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 17.08.2022

PRONOUNCED ON : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17475 of 2022

and

W.M.P(MD)No.12716 of 2022

Kumaranesan

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Director,
Town & Country Planning,
Collectorate Campus,
Nagercoil.,
Kanyakumari District.

3.The Executive Officer,
Karungal Town Panchayat,
Kanyakumari District.

4.R.Thurairaj

... Respondents



W.P.(MD)No.17475 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to forward the petitioner's application dated 07.06.2019 along with building plan for approval to the second respondent for necessary action to get planning approval to the petitioner's building site comprised in S.No.591/16, Midalam Village, Vadalikudavilai, Melasundhavailai, Karungal Post, Kanyakumari District, as directed in the order dated 23.12.2021 of the first respondent by passing orders on the representation dated 16.07.2022.

For Petitioner : Mr.G.Justin

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

Mr.R.Raghavendran
Government Advocate for R.3

Mr.N.Sudhagar Nagaraj for R.4

ORDER

In view of the order made in W.P(MD)No.13195 of 2022 dated 26.06.2023, the building in question cannot be utilized for religious purpose. As already observed by the Hon'ble Division Bench in W.P(MD)No.6493 of 2019 etc batch dated 19.09.2019, the premises can be put to use for residential accommodation. To construct any building, approval from the planning authority is required. The residential building also requires planning



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authorities' approval. The petitioner's application shall be considered by the planning authorities / respondents 2 and 3. The application shall be forwarded to the respondents as expeditiously as possible. The respondents 2 and 3 shall consider the said application and pass order if the construction can be regularized for residential purposes. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

2.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

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



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Assistant Director,
Town & Country Planning,
Collectorate Campus,
Nagercoil.,
Kanyakumari District.
- 3.The Executive Officer,
Karungal Town Panchayat,
Kanyakumari District.

Pre-delivery Order made in
W.P.(MD)No.17475 of 2022

26.06.2023