



W.P.(MD) No.1369 of 2018.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

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THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.1369 of 2018

Y.Rethina Balan

... Petitioner

/vs./

1.The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram,
Kanyakumari District.

2.K.M.C. Stephenson
(R2 has been impleaded vide
order dated 16.09.2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant building plan approval to the petitioner.

For Petitioner	: Mr.J.Jackson
For R1	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R2	: No appearance



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ORDER

The writ petition is seeking for a Mandamus to direct the first respondent to grant building plan approval to the petitioner, based on his application dated 14.09.2017. Since no action has been taken, the petitioner had further made a representation on 25.11.2017. As no order has been passed, he had approached this Court with the instant writ petition.

2.Heard Mr.J.Jackson, learned counsel for the petitioner, Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the first respondent and none appears for the second respondent.

3.The second respondent, who has impleaded himself as party to this writ petition, claims that he is the borrower from the Bank and on his failure to repay the amount, the Bank had auctioned his property, which has been purchased by the petitioner. According to him, he had filed an appeal before the Debts Recovery Appellate Tribunal, Chennai and the same is pending. It is his case that he had also filed various other applications before the authorities.



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4.I have considered the rival submissions made by the parties appearing on either side.

5.The application of the petitioner has been kept pending for a very long time and it is the statutory duty of the first respondent to dispose of the applications filed by the respective parties within a time frame. The second respondent, who was impleaded, as on date has not got any order setting aside the sale of the property. In that event, I direct the first respondent to consider the applications submitted by the petitioner seeking for building plan approval and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

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

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K.KUMARESH BABU, J.

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To

The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram,
Kanyakumari District.

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