



W.P.(MD)No.14530 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14530 of 2015

and

M.P.(MD)No.1 of 2015

M/s.King Ice Plant,
Rep. by its Managing Partner
D.Anbalagan,
No.3/306, Vellapatty,
Keela Arasaradi Town Panchayat,
Tuticorin.

... Petitioner

-Vs-

1.The District Collector,
Tuticorin District.

2.The Member Secretary,
Local Planning Authority,
No.51, Mela Ratha Veethi,
Tuticorin-2.

3.The Commissioner,
Ottapidaram Panchayat Union,
Ottapidaram Taluk, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd



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respondent relating to his proceedings in Na.Ka.1482/2007 Tu.UTK, dated 04.08.2015 and quash the same as illegal and without jurisdiction and consequently, direct the 2nd respondent to grant planning permission to the petitioner Ice Plant and Fish Curing building situated at No.3/306, Vellapatti, Keela Arasaradi Village, Ottapidaram Talum as per petitioner's application dated 09.04.2013 submitted to the 2nd respondent.

For Petitioner : Mr.V.Sathurthi Raja

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner had put up an Ice Plant in the petition mentioned site after getting clearance from the Local Body. The petitioner ought to have obtained proper planning approval from the Local Planning Authority. Since the site falls within the coastal regulations zone, there are other clearances to be obtained.

3.The fact remains that the petitioner had attempted to regularize the construction only after receiving notices from the 2nd respondent.



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4.Since the petitioner did not submit a proper application for regularization, the impugned lock and seal proceedings came to be issued. On account of interim order granted by this Court, the Ice Plant is continuing to be run.

5.I grant four months time to the petitioner to regularize the entire construction. If at the end of the said period, the construction remains unregularized, the impugned order shall be enforced.

6.With this liberty and breathing time to the petitioner to regularize the construction, this Writ Petition is disposed of. It is open to the petitioner to move all the concerned authorities with a fresh application by enclosing all the relevant documents. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2023

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

Yuva

Note: Issue Order copy on 19.07.2023.

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G.R.SWAMINATHAN, J.

Yuva

To

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