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W.P.(MD)NO.14538 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14538 of 2015

DA.Sudharshanan

... Petitioner

Vs.

1. The Commissioner,
Sivakasi Municipality,
Sivakasi.

2. Indian Oil Corporation Ltd.,
Through its Senior Divisional Manager,
Divisional Office,
Race Course Road, Chokkikulam,
Madurai-2.

3. V.Vishnushankar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire proceedings of 1st respondent in Ref. No. Ka.Vi.154/13/F1 dated 13.09.2013 and subsequent order in Na.Ka.No.1406/2013/F1 dated 19.09.2014 in rejecting petitioner's building plan for approval and quash the same and directing the 1st respondent to approve petitioner's building plan in respect of the building situate in Old Door No. 4 / New Door No. 218 in S.No. 30,



Block No.2, Ward C Tiruthangal Road, Sivakasi Town,
Virudhunagar District.

For Petitioner : Mr.S.Ramesh
For R-1 : Mrs.S.Devasena
For R-2 & R-3 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the first respondent.

2. There is no appearance on the side of respondents 2 and 3.

3. The petitioner applied to the first respondent seeking building plan approval. Citing the pendency of the civil dispute between the petitioner and the third respondent, the first respondent declined to process the application. It is true that the third respondent had filed O.S.No.58 of 2013 on the file of the District Munsif, Sivakasi. The petitioner figured as the



third defendant therein. The second respondent herein figured as the second defendant. It is stated that the said suit was dismissed for default in the year 2017 itself and that it had not been restored. Therefore, the foundational premise on which the impugned order rests is no longer there.

4. The petitioner is permitted to apply afresh for building plan approval before the first respondent. The first respondent shall process the petitioner's application and dispose it of on merits and in accordance with law within a period of eight weeks thereafter. This writ petition stands allowed on these terms. No costs.

21.07.2023

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

To:

1. The Commissioner,
Sivakasi Municipality, Sivakasi.
2. Indian Oil Corporation Ltd.,
Through its Senior Divisional Manager,
Divisional Office, Race Course Road, Chokkikulam,
Madurai-2.



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G.R.SWAMINATHAN,J.

PMU

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