



W.P(MD)No.7765 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7765 of 2014 and
MP(MD) No.1 of 2014

A.P.Nelson

...Petitioner

Vs.

The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the respondent's impugned proceedings in Na.Ka.No.3018/2013/Na.A.AA, dated 27.11.2013 and quash the same and consequentially direct the respondent to approve the building plan of the petitioner in Town Survey No.A3/104/1B located in the respondent Municipality.

For Petitioner	: Mrs.M.Padmavathy
For Respondents	: Mr.K.Vamanan



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ORDER

Notice issued by the first respondent, dated 27.11.2013, rejecting the petitioner's representation for approval of the building plan of the petitioner's land in Town Survey No.A3/104/1B is under challenge in this writ petition.

2.By the order impugned in this writ petition, the petitioner was informed by the respondent that as per the resolution of the Municipal Council, they have decided to establish a bus stand in Survey No.A3/103-108 and therefore the request of the petitioner for Building plan on the said land can not be considered.

3.The learned counsel appearing for the petitioner submits that though there are other Government lands, the respondents are preventing the petitioner from establishing a house in his land by referring that there is a proposal of construction of a bus stand.



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4.The learned standing counsel appearing for the respondent submits that in the Council meeting held on 28.06.2000, a resolution was passed as resolution No.356, 459 to establish a bus stand in Survey No. 3/103-108 and the proposal has been sent to the Government for approval and the same is yet to be accorded.

5.The petitioner with an intention to construct a house in his patta land has applied for building plan approval. By referring a resolution of the Municipal Council, dated 28.06.2000, the respondent is not granting the building plan approval to the petitioner's patta land. It appears that the resolution of the Council has not been considered by the Government so far.

6.In view of the above, the order impugned is set aside. This writ petition is allowed. The respondent Municipality is directed to approve the building plan of the petitioner submitted for the land in Town Survey No.A3/104/1B, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of



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this order. No costs. Consequently, connected Miscellaneous

Petition is closed.

12.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.7765 of 2014 and
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12.06.2023