



W.P(MD)No.25030 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25030 of 2023

and

W.M.P.(MD)Nos.21238, 21239 and 21240 of 2023

Mustak Ahamed

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director,
Town Panchayat,
Thoothukudi District.

3.The Executive Officer,
Eral Town Panchayat,
Thoothukudi District.

... Respondents

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 records pertaining to the impugned order passed by the 3rd Respondent in O.Mu.No.121/2023 dated 25.05.2023 and quash the same and consequently direct the Respondents to grant building plan approval to the Petitioner to construct a building in Door Nos.14 and 15,



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Savukkaiamman Street, 9th ward, Eral Town Panchayat, Eral Taluk,
Thoothukudi District.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
Mr.A.K.Manikkam,
Spl. Government Pleader for R3.

ORDER

Heard both sides.

2.The petitioner applied for building plan permission. The local body returned the application on the ground that civil suit is pending in respect of the petition mentioned site.

3.The learned counsel for the petitioner points out that the petitioner had initiated eviction proceedings against the tenant and that he had succeeded therein. He filed execution proceeding and during the pendency of execution proceeding, the tenant had vacated and the building was also demolished.



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4.I am satisfied that the impugned order has been passed without having regard with the relevant facts. The impugned order is set aside and the matter is remitted to the file of the third respondent. The third respondent will pass appropriate order within a period of four weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

20.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.11.2023.

To:-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director,
Town Panchayat,
Thoothukudi District.

3.The Executive Officer,
Eral Town Panchayat,
Thoothukudi District.

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G.R.SWAMINATHAN, J.

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