



W.P.(MD)No.26226 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26226 of 2023

Subbiah

... Petitioner

Vs.

1.The Executive Officer,
Special Grade Town Panchayat,
North Valliyoor,
Tirunelveli District.

2.The Chairman,
North Valliyoor,
Special Grade Town Panchayat,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.135/2023/A2 dated 11.07.2023 and quash the same and consequently direct the respondents to issue permission to put up the steps and sunshade as per Section 183 of the Tamil Nadu District Municipalities Act, 1920.



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For Petitioner : Mr.K.Muthurakkan

For Respondents : Mr.H.Arumugam for R1

Mr.S.P.Maharajan,
Special Government Pleader for R2

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

Pursuant to the orders of this Court dated 05.07.2022, passed in W.P. (MD) No.14181 of 2022, the unauthorized construction made by the writ petitioner had been removed. The petitioner subsequently made an application, seeking permission to construct steps. The authorities have rejected the same on the ground that there is no rule to grant such permission.

2. Section 183 of the Tamil Nadu District Municipalities Act, 1920, provides power to allow certain projections and erections. Therefore, there is scope to consider the claim of the petitioner for construction of steps. Thus, the petitioner is at liberty to submit a fresh application along with the sketch and the details of the proposed construction and on receipt of any such application, the respondents shall consider the same on merits and in accordance with law as expeditiously as possible. It is made clear that the earlier order dated 11.07.2023



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passed by the first respondent will not stand in the way of reconsidering the application, if any, filed by the petitioner.

3. Accordingly, the Writ Petition stands disposed of. No costs.

(S.M.S., J.) & (V.L.N., J.)
23.11.2023

NCC : Yes / No

Index : Yes / No

SJ

To

1.The Chairman,
North Valliyoor,
Special Grade Town Panchayat,
Tirunelveli District.



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AND

V.LAKSHMINARAYANAN, J.

SJ

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