



W.P.(MD)No.2925 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 12.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2925 of 2024

S.G.M.Sha @ Sheik Mohammed

...Petitioner

/Vs./

1.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai 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 impugned order under Reference Na.Ka.No.2335/2023/F1 dated 13.12.2023 as passed by the 2nd respondent and subsequently set aside the same as erroneous and illegal and consequently direct the 2nd respondent to extend the time for the period of construction for another reasonable time in the house property bearing Survey No.142/3 situated at Sengulam East 7th Street, Cholavanthan Road, Thirumangalam Town, Madurai District forthwith.



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For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.D.Gandhiraj

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent in Reference Na.Ka.No.2335/2023/F1 dated 13.12.2023 with a consequential direction to the 2nd respondent to extend the time for the period of construction of the house property bearing Survey No. 142/3 situated at Sengulam East 7th Street, Cholavanthan Road, Thirumangalam Town, Madurai District forthwith.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that the petitioner applied for approval of house construction in the subject property, which was also approved by the second respondent, who has granted time for completion of the construction from 29.05.2014 to 28.05.2017 on condition that if the construction is not completed within the stipulated period, no time shall be extended as per Section



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14(1) of the Tamil Nadu Combined Development and Building Rules, 2019.

Since the petitioner could not mobilize the funds for construction, he was not able to complete the same. Even though the petitioner made a representation to the second respondent on 14.12.2023 seeking time extension, the impugned order came to be passed. Challenging the same, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents submits that as per Section 14(1) of the Tamil Nadu Combined Development and Building Rules, 2019, the competent authority may on application made before the expiry date, extend the planning permission or building permit period as the case may be only once for another 3 years. But in the case on hand, the petitioner has not applied for any renewal of any such permission for construction.

5. As per Section 204 of the Tamil Nadu District Municipalities Act, 1920, If the construction or reconstruction of any building is not completed within the period specified, the permission shall lapse and a fresh application shall be made before the work is continued. Since there cannot be any renewal of such permission as time is lapsed, this Court directs the petitioner to



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approach the respondents by making a fresh application for getting permission for construction and the same shall be considered by the respondents by considering the fact that permission for construction has already been granted and the respondents shall pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of fresh application to be filed by the petitioner.

6. With the above direction, the Writ Petition stands disposed of. No costs.

12.02.2024

NCC : Yes/No

Index : Yes/No



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
12.02.2024