



W.P.(MD) No.5259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5259 of 2024

and

W.M.P.(MD)Nos.5044 and 5045 of 2024

Victor Xavier Jamila

... Petitioner

-Vs-

1.The Deputy Director of Town and
Country Planning,
Tirunelveli Region,
No.108, Trivendram Road,
Palayamkottai,
Tirunelveli.

2.The District Collector,
Tirunelveli District.

3.The President,
South Kallikulam Village Panchayat,
Radhapuram Taluk,
Tirunelveli District.

4.The Block Development Officer,
(Village Panchyat),
Radhapuram,
Tirunelveli District.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records pertaining to the impugned notices issued by the fourth respondent under Rule 34 (2) of the Tamil Nadu Panchayat Building Rules 1997 in Na.Ka.No.Aa3/1078/2023 dated 15.02.2024, 29.02.2024 and 01.03.2024 and quash the same.

For Petitioner : Mr.R.Anand
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the notice issued by the fourth respondent under Rule 34 (2) of the Tamil Nadu Panchayat Building Rules 1997 in Na.Ka.No.Aa3/1078/2023 dated 15.02.2024, 29.02.2024 and 01.03.2024, the petitioner has filed the present writ petition.

2.Mr.T.Amjadkhan, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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3.The learned counsel for the petitioner submits that the petitioner is the President of St.Micheal Adhi Thoodhar Church Administrative Committee. In the said church, the petitioner has constructed a Aasana Hall in the said Church Premises. There is a dispute with regard to the said construction between the petitioner and one Sebastin Princess, who is an adjacent land owner and a civil suit is also pending. On the basis of the complaint given by the said Sebastin Princes, the present impugned order is passed.

4.The learned counsel for the petitioner submits though the petitioner has sought for a larger relief, the petitioner, however restricted his prayer to the extent of to direct the first respondent to consider his application made in the year 2018 for grant of necessary approval.

5.Considering the above submission, this Court, without going into the merits of the case, directs the petitioner to make a fresh application before the first respondent seeking necessary plan approval within a period of two weeks from the date of receipt of a copy of this order and the first respondent to consider the said application and pass orders after issuing notice to the interested



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parties and pass order on its own merits and in accordance with law within a period of eight weeks therefrom.

6. With above direction this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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