



W.P(MD)No.15113 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15113 of 2020

and

W.M.P.(MD)No.12723 of 2020

S.Indira

... Petitioner

Vs.

The Member Secretary,
Local Planning Authority,
51 West Car Street,
Thoothukudi.

... 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 records of the order by the respondent vide Na.Ka.No. 07/2020 ThooUthiGu dated 13.03.2020 quash the same and consequently directing the respondent to extent the period of his order vide Na.Ka.No. 690/2007 ThooUthiGu dated 11.09.2007 for a further period of 3 years.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

Heard both sides.



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2. The petitioner applied for planning permission for putting up a school building on 17.05.2007. Approval was granted on 11.09.2007. Since the petitioner was locked in litigation, she was not in a position to put up construction. The petitioner therefore applied on 02.01.2020 for extension of the plan period. The petitioner's request was rejected. Challenging the rejection order dated 13.03.2020, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner pointed out that the petitioner was not in a position to construct the building as per plan on account of the reasons set out in the affidavit filed in support of the writ petition.

4. I am satisfied that the petitioner did have a sufficient cause. But then, as pointed out by the learned Additional Government Pleader, Section 50 of the Tamil Nadu Town and Country Planning Act, 1971 will come in the way. The said provision reads as follows:-

50. Duration of permission.- Every permission for development granted under section 49 shall remain in force for a period of three years from the date of such permission: Provided that the appropriate planning authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period for such time as it may think proper; but such extended period shall, in no case, exceed three years: Provided further that any expiry of permission shall not bar any subsequent application for fresh permission under this Act.



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5. Since more than 10 years have elapsed, the authority was rightly negatived the petitioner's request. But the provision itself makes it clear that the petitioner can always submit an application for fresh permission. The petitioner is at liberty to apply for fresh permission. I am certain that the petitioner's application will be favorably considered. The petitioner through her counsel states that an application for fresh permission will be submitted within two weeks from the date of receipt of a copy of this order. The respondent shall pass order on the petitioner's application within a period of two months thereafter.

6. With this observation and granting liberty to the petitioner, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous is closed.

10.01.2024

Index : Yes / No

Internet : Yes/ No

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To

The Member Secretary,
Local Planning Authority,
51 West Car Street,
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G.R.SWAMINATHAN, J.

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