



W.P.(MD) No.7441 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.7441 of 2018

C.Sudha

... Petitioner

Vs.

1.The Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur, Tirunelveli District.

2.The Executive Officer,
Urmelalagiyan Village Panchayat,
Kadayanallur Taluk,
Tirunelveli Distict.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to issue Building Plan Approval for the petitioner's proposed construction in S.No.412/1, Urmelalagiyan Village, Kadayanallur Taluk, Tirunelveli District by considering her Application in AA3/2018/16 dated 26.08.2017 within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

For R1 : Mr.S.P.Maharajan
Special Government Pleader

For R2 : No appearance



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ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents to issue building plan approval for the petitioner's proposed construction in S.No.412/1, Urmelalagiyan Village, Kadayanallur Taluk, Tirunelveli District by considering her application dated 26.08.2017 in AA3/2018/16 within a period stipulated by this Court.

2. The petitioner has filed an application before the second respondent for approval of building plan as early as 26.08.2017. It appears that till date, the building plan has not been approved. The Government of Tamil Nadu has now promulgated "The Tamil Nadu Combined Development and Building Rules, 2019" under the following provisions:

- i. Sections 32(4) and 122 of the Tamil Nadu Town and Country Planning Act, 1971,
- ii. Sections 191 and 303 of the Tamil Nadu District Municipalities Act, 1920,
- iii. Section 242 of the Tamil Nadu Panchayats Act, 1994,
- iv. Sections 230 and 347 of the Chennai City Municipal Corporation Act, 1919,
- v. Sections 268 and 431 of the Madurai City Municipal Corporation Act, 1971,



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- vi. Sections 268 and 430 of the Coimbatore City Municipal Corporation Act, 1981,
- vii. Section 11 of the Tiruchirappalli City Municipal Corporation Act, 1994,
- viii. Section 11 of the Tirunelveli City Municipal Corporation Act, 1994,
- ix. Section 11 of the Salem City Municipal Corporation Act, 1994,
- x. Section 10 of the Tiruppur City Municipal Corporation Act, 2008,
- xi. Section 10 of the Erode City Municipal Corporation Act, 2008,
- xii. Section 10 of the Vellore City Municipal Corporation Act, 2008,
- xiii. Section 10 of the Thoothukudi City Municipal Corporation Act, 2008,
- xiv. Section 10 of the Thanjavur City Municipal Corporation Act, 2013, and
- xv. Section 10 of the Dindigul City Municipal Corporation Act, 2013.

3. As per the said Act, approval of building plan is a mandatory for constructing a building. Considering the same, the second respondent is directed to process the application filed by the petitioner in accordance with the provisions of the aforesaid Rules, as expeditiously as possible, within a period of 12 weeks from the date of receipt of a copy of this order, if the application filed by the petitioner has not already been disposed of. In case, the second respondent is not having the application



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of the petitioner, the petitioner may be called for to furnish a copy of the same.

4. This Writ Petition stands disposed of with the above observations. No cost.

01.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The Block Development Officer,
Kadayanallur Panchayat Union,
Kadayanallur, Tirunelveli District.
- 2.The Executive Officer,
Urmelalagiyan Village Panchayat,
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C.SARAVANAN, J.

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