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W.P.(MD) No.20565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.20565 of 2022
and
W.M.P.(MD) No.14895 of 2022**

Sankaranarayanan

... Petitioner

-vs-

1.The District Collector
Tenkasi
Tenkasi District

2.Sankarankovil Municipality
rep.by its Commissioner
Sankarankovil
Tenkasi District

3.The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District

4.Sivakumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take action on the petitioner's representation dated 11.07.2022 and 27.08.2022 seeking to stop the constructions put up by the fourth respondent without obtaining the building plan approval from the second respondent in T.S.No.108, Kilavadi Vinayagar Kovil Street, Sankarankovil, Tenkasi District.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.P.Mahendran for R2
Mr.S.S.Madhavan
Government Advocate (Crl.Side) for R3
Mr.M.Thirunavukkarasu

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 3 to take action on the petitioner's representations dated 11.07.2022 and 27.08.2022 seeking to stop the constructions put up by the fourth respondent without obtaining the building plan approval from the second respondent in T.S.No.108, Kilavadi Vinayagar Kovil Street, Sankarankovil, Tenkasi District.



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2. Today, when the matter was taken up for hearing, learned counsel appearing for the second respondent, on instructions, submits that since the plinth area of the building constructed by the fourth respondent is 460 sq.ft., he is exempted from getting planning permit under G.O.(Ms) No.83, Housing and Urban Development [UD4(3)] Department, dated 11.06.2019 and to that effect, he has also produced a copy of the report of the second respondent, dated 05.02.2024 before this Court.

3. Learned counsel for the petitioner submits that the said Government Order dated 11.06.2019 is applicable only to the plinth area of 300-400 sq.ft., and if the plinth area exceeds 400 sq.ft., necessary permission has to be obtained from the authority concerned and therefore, the said Government Order is not applicable to the case of the fourth respondent.

4. Taking into consideration the above submissions, we direct the authority concerned to inspect the subject building, find out as to whether the plinth area of the subject building exceeds 400 sq.ft., or not and take appropriate decision, in accordance with law, after providing due opportunity



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to the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

27.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District



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