



W.P(MD)No.20923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20923 of 2022

and

W.M.P.(MD)No.15170 of 2022

G.Urudhamalai

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

3.The President,
Sankaralingapuram Village Panchayat,
Virudhunagar District.

4.The Panchayat Secretary,
Sankaralingapuram Village Panchayat,
Virudhunagar 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 records relating to impugned order of the 3rd respondent dated 07.12.2021 and the order of 2nd respondent in Na.Ka.Pi2/357/2022 dated 12.07.2022 quash the same as illegal and unconstitutional, consequently direct the respondents 2-4 to



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grant building plan approval for the building of the petitioner situated in S. No. 953/1A, Sankaralingapuram Village, Virudhunagar Taluk and District and to assess property tax for the same within the time frame without insisting pendency of any litigation.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

Heard both sides.

2.The impugned orders are liable to be set aside on the sole ground that no restraint order has been obtained either against the petitioner or the local body. Mere pendency of a civil proceedings is not a ground for rejecting the petitioner's request. On this sole ground, the impugned orders are set aside. The petitioner has put up construction without getting prior plan approval. Now, what can be done is only regularization of the construction. That has already been taken place. It is for the local body to take a call in the matter. The petitioner is permitted to submit a fresh application before the authority concerned. As and when any such application is filed by the petitioner either in online mode or in person, the same will be considered by the president of the



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local body on merits and in accordance with law within a period of three weeks thereafter.

3. The Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

Index : Yes / No
Internet : Yes/ No
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To

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Virudhunagar Panchayat Union,
Virudhunagar District.
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Virudhunagar District.
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G.R.SWAMINATHAN, J.

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