



W.P.(MD) No.18247 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.18247 of 2018

GHCL Limited,
(Unit Sree Meenakshi Mills),
Rep. by its Senior G M (Finance), N.Kumar,
Paravai, Samayanallur Post,
Madurai - 625 402.

... Petitioner

Vs.

The Executive Officer,
Office of the Paravai Panchayat Board,
Paravai, Madurai - 625 402.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to consider the petitioner's application dated 24.03.1997, seeking approval of plan for construction of staff quarters in Survey Nos.247/1, 247/2A2 and 295/3A (Total Extent: 6.41 Acres), Paravai II Bit Village, Madurai North Taluk, Madurai District, followed by the reminder dated 02.08.2018.

For Petitioner

: Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondent

: Mr.S.P.Maharajan
Special Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's application dated 24.03.1997, seeking plan approval for construction of staff quarters in Survey Nos.247/1, 247/2A2 and 295/3A (Total extent 6.41 Acres), Paravai II Bit Village, Madurai North Taluk, Madurai District, followed by the reminder dated 02.08.2018.

2. The petitioner is the owner of 6.41 Acres of land, situated at Paravai II Bit Village, Madurai North Taluk, Madurai District. This land was initially acquired by the Government under the Land Acquisition Act, 1894 and that an Award came to be passed on 29.07.1964. The land was acquired for construction of staff quarters for the employees working in Sree Meenakshi Mills at Paravai.

3. It appears that the above said Mill became a Sick Company and therefore, proceedings under the Sick Industrial Companies (Special Provisions) Act, 1985, were initiated. Pursuant to which, the above said Mill stood merged with the petitioner namely, GHCL Limited with effect from 01.04.2001 as per the orders of the Board for Industrial and Financial Reconstruction (BIFR), dated 26.11.2001 and 29.05.2002.



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4. It appears that the Mill namely, Sree Meenakshi Mills Limited, prior to the above said acquisition, had made an application with the respondent for putting up a construction as early as 24.03.1997. The said application was not processed, as no approval has been obtained from the Town and Country Planning Authorities under the provisions of the Tamil Nadu Town and Country Planning Act, 1971. It appears that there are also collateral proceedings arising out of the acquisition proceedings before the Division Bench of this Court.

5. The learned Special Government Pleader for the respondent, on instructions, submits that unless the petitioner obtains suitable permission from the authorities under the Tamil Nadu Town and Country Planning Act, the question of scrutinizing the application for construction of staff quarters over the land acquired by the Government, cannot be countenanced.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.



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7. Insofar as the application, dated 24.03.1997, which was filed by Sree Meenakshi Mills Limited, which has been merged with the petitioner pursuant to the order of the BIFR is concerned, the rules relating to building plan permission have been changed drastically under the Tamil Nadu Urban Local Bodies Act, 1998.

8. Since the extent of land is 6.41 Acres, it necessarily implies a proper plotting and approval by the authorities under the Tamil Nadu Town and Country Planning Act, 1971. Considering the same, the application that was filed on 24.03.1997 cannot be directed to be considered straightaway. Instead the petitioner can approach the authorities under the Tamil Nadu Town and Country Planning Act, 1971, to approve the layout and thereafter, the petitioner can file a suitable application in accordance with the amended provisions of the Tamil Nadu Urban Local Bodies Act, 1998 and the relevant Development Control Rules as in force as on date.



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9. This Writ Petition stands disposed of with the above observation.

No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

21.06.2024

To

The Executive Officer,
Office of the Paravai Panchayat Board,
Paravai,
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C.SARAVANAN, J.

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