



W.P.(MD) No.9635 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) No.9635 of 2016
and W.M.P.(MD) No.7666 of 2016**

K.N.S.K. College of Engineering,
Rep. by its Correspondent,
Mr.K.Thanappan,
P.Chokkalinga Pillai Nagar,
Therekalputhoor,
Thirupathisaram Post,
Kanyakumari District – 629 901.

... Petitioner

-vs-

- 1.The Secretary to Government,
Housing and Urban Development Department,
St. Fort George,
Chennai – 09.
- 2.The District Collector,
Kanyakumari District,
Kanyakumari.
- 3.The Member Secretary,
Nagercoil Local Planning Authority,
Nagercoil.



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4. The Executive Officer,
Theroor Town Panchayat,
Theroor,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to regularize and grant an approval for the petitioner's College Mechanical Block Building (G+3) constructed in S.No. 672/1, 667/2, 668/2, 687/2, Theroor Town Panchayat, Agasteeswaram Taluk, Kanyakumari District within a time stipulated by this Court.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.T.Amjadkhan,
Government Advocate
for R1 to R3
Mr.M.Rajarajan
Standing Counsel for R4

ORDER

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

The Writ Petition has been filed for issuance of a direction to the 1st respondent to regularize and grant approval for the petitioner's College Mechanical Block Building (G+3) constructed in S.No. 672/1, 667/2, 668/2, 687/2, Theroor Town Panchayat, Agasteeswaram Taluk, Kanyakumari District.



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2. According to the petitioner, earlier they have filed a Writ Petition before this Court in W.P.(MD) No.13251 of 2013, seeking a direction to consider their representation dated 12.06.2013 and the said Writ Petition came to be withdrawn since the third respondent has directed the petitioner to approach the Government and accordingly, the petitioner approached the first respondent for regularization and approval and since the same has not yet been considered by the first respondent, the petitioner has approached this Court with the above Writ Petition.

3. According to the petitioner, the application filed before the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is pending and in support of their contentions, the petitioner produced the communication dated 27.09.2013 from the 1st respondent to the Commissioner, Town and Country Planning, calling for the remarks with regard to the approval.

4. Therefore, it is clear that the application filed by the petitioner before the first respondent under Section 80-A of the Tamil Nadu Town and



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Country Planning Act, 1971 is pending with the first respondent. Therefore, it is suffice to direct the first respondent to dispose of the said application.

5. Accordingly, the Writ Petition stands disposed of with a direction to the first respondent to consider and dispose of the application filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. In case the appeal is not pending, the first respondent shall inform the same to the petitioner. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [M.S.K., J.]
10.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1. The Secretary to Government,
Housing and Urban Development Department,
St. Fort George,
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- 2.The District Collector,
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and
MUMMINENI SUDHEER KUMAR, J.

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