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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8037 of 2025

B.Ramganesh : Petitioner

Vs.

The Commissioner,
Karaikudi Corporation,
Karaikudi,
Sivagangai District. : Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to accept the petitioner's application through physical mode and process the same and further consequently grant building plan approval to the petitioner's house in Door Nos.3/4, 3/5, Plot No.66, G.Block, Arumuga Nagar, Sekkalai, Opp. to Lena Apartment, Karaikudi, Sivagangai District.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.E.P.Venkateswar
Standing Counsel

O R D E R

This writ petition has been filed seeking a direction to the respondent to accept the petitioner's application in physical mode and process the same and consequently, to grant building plan approval to the

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petitioner's house in Door Nos.3/4, 3/5, Plot No.66, G.Block, Arumuga Nagar, Sekkalai, opposite to Lena Apartment, Karaikudi, Sivagangai District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims to be the owner of the petition-mentioned property and he applied for building plan approval on 07.01.2016. However, the respondent rejected the application on 18.01.2016 and the petitioner challenged the said rejection order by way of filing an appeal. The appeal was returned with a request to the petitioner to submit a new building permission application to the planning authority. Subsequently, the petitioner filed the application for building plan approval before the respondent on 12.02.2025. However, the respondent refused to accept the application, stating that it must be submitted only through online mode in accordance with the provisions of the Tamil Nadu Combined Development and Building Rules, 2019. The grievance of the petitioner is that the said provision does not apply to him, as the application is only to regularize an already completed

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construction. The petitioner contends that the application ought to have been considered under Section 135 of the Tamil Nadu Urbal Local Bodies Act, 1998. In this regard, the petitioner has also submitted a representation on 12.02.2025 requesting the respondent to grant building plan approval. However, since no action has been taken, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner submitted that it would suffice if the respondent is directed to consider and dispose of the petitioner's representation dated 12.02.2025, in accordance with law, within a specified time frame.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a

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stipulated time.

6. In the light of the above observations, there shall be a direction to the respondent to consider the petitioner's representation dated 12.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No

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To

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Karaikudi Corporation,
Karaikudi,
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VIVEK KUMAR SINGH, J.

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