



W.P.(MD)No.9709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9709 of 2025

and

W.M.P.(MD)Nos.7245 and 7246 of 2025

1.Xavier
2.Belevethira Sundar ... Petitioners

-VS-

1.The District Collector
Tirunelveli District, Tirunelveli.

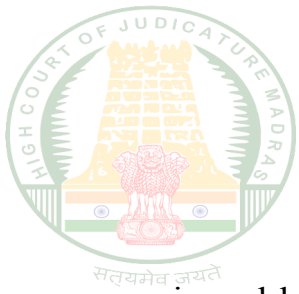
2.The Additional Director,
Town and Country Planning Department,
Tirunelveli District.

3.The Block Development Officer,
Mukkudal Panjayat Union,
Tirunelveli District

4.The Executive Officer,
Mukkudal Town Panchayat,
42, Poovaiah Street, Mukkudal,
Tirunelveli District.

5.Joseph ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned refusal letter



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issued by the fourth respondent vide file No.SWP/BPA/457844/2025/TCP dated 19.03.2025 and quash the same as illegal and unconstitutional and consequently, directing the fourth respondent to grant building plan approval to the petitioners for constructing the house in respect of the land in survey number 138/2A1, Mukkudal Revenue Village, Ward -2, Indra Nagar, Singamparai, Cheranmahadevi Taluk, Tirunelveli District, in accordance with law.

For Petitioners : Mr.S.Sathya Chidambaram

For R1 to R3 : Mr.C.Venkatesh Kumar
Special Government Pleader

For R4 : Mr.S.Kameswaran
Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal letter issued by the fourth respondent, dated 19.03.2025 and a consequential direction to the fourth respondent to grant building plan approval to the petitioners for constructing the house in respect of the land in S.No.138/2A1, Mukkudal Revenue Village, Ward -2, Indra Nagar, Singamparai, Cheranmahadevi Taluk, Tirunelveli District, in accordance with law.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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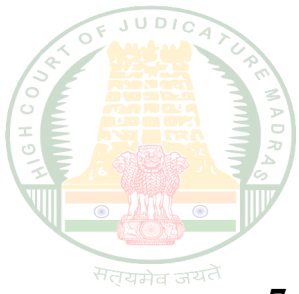
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3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.

4. The petitioner submits that the impugned refusal letter issued by the fourth respondent on 19.03.2025 is a non-speaking letter, as it fails to provide any reasons for refusing to grant building plan approval to the petitioners. Therefore, the said letter is liable to be set aside.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. A perusal of the impugned letter in the writ petition reveals that it is a non-speaking letter, as it fails to provide any reasons for refusing to grant building plan approval to the petitioners for constructing a house. Therefore, the same cannot be legally sustained.



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7. In the light of the above, this Writ Petition is allowed and the impugned letter, dated 19.03.2025, is hereby quashed. The matter is remitted back to the fourth respondent for a fresh consideration. The fourth respondent shall consider the application submitted by the petitioners, dated 08.02.2025, on merits and pass a speaking order, after providing due opportunity to the petitioners, as well the fifth respondent, within a period of four months 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 fourth respondent to consider the same on its own merits. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

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To:-

- 1.The District Collector
Tirunelveli District, Tirunelveli.
- 2.The Additional Director,
Town and Country Planning Department,
Tirunelveli District.



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3.The Block Development Officer,
Mukkudal Panjayat Union,
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VIVEK KUMAR SINGH, J.

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