



W.P.(MD)No.9816 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9816 of 2025

Kaleelur Rahman

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai.

2. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
E & C Market Road,
Koyembedu, Chennai.

3. The Assistant Director / Member Secretary,
Tirunelveli Town and Country Planning Authority,
Corporation Office Campus,
Tirunelveli.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to grant planning permission for the development / construction in the petitioner land in Survey No. 784/1C situated in Suthamalli Ward T Block - 03, Tirunelveli Taluk, Tirunelveli District by considering the application dated 08.11.2024.



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For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.C.Venkatesh Kumar

Spl. Government Pleader

for R1 to R4

Mr.K.Gnanasekaran

Government Advocate (CrI.) for R5

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to grant planning permission for the development/construction in the petitioner's land in Survey No.784/1C, situated in Suthamalli Ward, T Block - 03, Tirunelveli Taluk, Tirunelveli District, by considering his application dated 08.11.2024.

2. Heard the learned counsel for the parties. 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 property mentioned in the petition. He executed a lease deed in favour of one Mohammed Hussain vide Document No.4093 of 2023, dated 12.09.2023,



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for the establishment of a petrol retail pump outlet. The grievance of the petitioner is that, his tenant applied for building plan permission on 08.11.2024, before the third respondent. However, the application was not considered on the ground that, the petitioner's land was earmarked for public utility under the detailed development plan and therefore, building plan approval could not be granted. According to the petitioner, although the detailed development plan was notified on 21.12.1988, it has not taken effect to date and has lapsed. However, without considering this, the application of the tenant has been kept pending. Aggrieved by the same, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the application of the petitioner dated 08.11.2024 in accordance with the judgment of this Court in W.A (MD) No.485 of 2020, order dated 21.07.2020.

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



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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 stipulated time.

6. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's application dated 08.11.2024, on its own merits and pass appropriate orders in accordance with law, in the light of the judgment of this Court in W.A (MD) No.485 of 2020, order dated 21.07.2020. The third respondent shall also give due opportunity to the petitioner, as well as all the 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 third respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands

disposed of. There shall be no order as to costs.

08.04.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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