



W.P(MD)No.29640 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29640 of 2023

P.Soundarrajan

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Tenkasi District.

2.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi.

3.The Deputy Director / Assistant Director (Incharge),
O/o.The District Town and Country Planning,
No.5 Bharathiar Nagar 1st Street,
Melagaram, Tenkasi - 627 818.

4.The Block Development Officer,
Village Panchayat,
Keelapuliur
Panchayat Union,
Tenkasi District.

5.The President,
Avudayanoor Village Panchayat,
Avudayanoor,
Keelapuliur Panchayat Union,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 5th respondent to issue plan approval based on the permission for technical proposed lay out plan approval No.4 of 2021 issued by 3rd respondent vide proceedings Na.Ka.No.654/2021 Thee.Ma.Na.Vu.Aa dated 26.8.2021 in respect of petitioner's landed property comprised in S.No.200/1A1 situated at Avudayanur Village, Keelapavoor Panchayat Union, Tenkasi District within the period stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R3.
Mr.G.Suriyanath,
Addl. Government Pleader for R4 & R5.

ORDER

Heard both sides.

2.The petitioner wants to promote the petition mentioned layout. He had already obtained permission from the third respondent. Now the fifth respondent has to issue consequential proceedings. Since the matter is pending on the file of the fifth respondent, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned Additional Government Pleader for the fifth respondent submitted that the petitioner has to carryout few other formalities. For instance, he relied on condition No.4 set out in the proceeding dated 26.08.2021 issued by the third respondent is yet to be complied with. Condition No.4 is as follows:-

“4.பார்வை 10 மற்றும் 11-ல் கண்ட அரசு கடிதம் மற்றும் நகர் ஊரமைப்பு ஆணையர், சென்னை அவர்களின் சுற்றிகையின் படி உள்ளாட்சிக்கு தானமாக வழங்கப்பட்ட இடங்களை உள்ளாட்சியின் பெயருக்கு மாற்றி வருவாய் ஆவணங்களில் உள்ளாட்சியின் பெயரில் உரிமை மாற்றம் செய்து வருவாய் ஆவணங்களில் சர்வே எண் செய்யப்பட்ட பின்னரே உள்ளாட்சியால் மனைப்பிரிவுக்கு இறுதி ஒப்புதல் வழங்கப்பட வேண்டும்.”

4. The learned counsel for the petitioner points out that the petitioner had already executed donation deed in favour of the local body. Now the fifth respondent must write to the second respondent and obtain mutation of the revenue record in favour of the local body. The petitioner cannot be fastened with with this burden. The fifth respondent



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is directed to send a formal communication to the second respondent setting out what has to be carried out from his end. This shall be done by the fifth respondent within a period of four weeks from the date of receipt of a copy of this order. Subject to the petitioner fulfilling the demands set out by the fifth respondent, the revised planning approval shall be given by the fifth respondent.

5.This writ petition is disposed of accordingly. No costs.

13.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
O/o.The District Collector,
Tenkasi District.
- 2.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi.
- 3.The Deputy Director / Assistant Director (Incharge),
O/o.The District Town and Country Planning,

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4.The Block Development Officer,
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Keelapuliyur
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G.R.SWAMINATHAN, J.

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