

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21040 of 2015

And

M.P.No.1 of 2015

Smt.K.Panneer Selvi Kumar

...Petitioner

Vs.

1 The District Collector
Cuddalore District Cuddalore.

2 The Assistant Director
Town and Country Planning Villupuram.

3 The Commissioner
Panruti Municipality Panruti Cuddalore
District.

4 A.Nagoorkani ...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 30.05.2015 to pass appropriate orders in the said representation.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents: Mr.R.Lakshmi Narayanan for R1 and R2

Additional Government Pleader

Mr.P.V.Selvakumar for R3

ORDER

By consent, the writ petition is taken up for final disposal.

2.This writ petition has been filed by Smt.K.Panneer Selvi Kumar, claiming to be the Counsilor of 8th ward, Panruti Municipality, Cuddalore District seeking Mandamus directing the respondents 1 to 3 to consider her representation dated 30.05.2015 to pass appropriate orders since the fourth respondent has made the layout plan in T.S.No.5/2, 5A5 and 6/2 having measurement of 3 acre 10 cents in wet lands which is in violation of the provisions of the Tamil Nadu Town and Country Planning Act, 1971 without obtaining due permission from

the first respondent to convert the agricultural land into residential plots.

3. Adding further, the learned counsel appearing for the petitioner would submit that the fourth respondent, without there being any approval obtained from the second respondent for the layout plan and also without leaving any space either for park or playground, hospital or school in the layout plan has been attempting to sell the un-authorised layout plan to various innocent purchasers. Since there is a restriction to convert the agricultural wet land into residential plots, the petitioner has given a representation dated 30.05.2015 to the respondents 1 to 3 to take appropriate action. Although the representation dated 30.05.2015 was received by the first respondent on 02.06.2015, second respondent on 01.06.2015 and third respondent on 01.06.2015 respectively, but till date there is no response, as a result of which the innocent bonafide purchasers are put to grave hardship.

4. Heard the submissions of the learned counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader who takes notice for the respondents 1 and 2 and Mr.P.V.Selvakumar, learned counsel who takes notice for the third respondent.

5. Bread and butter is more important than house, therefore, unless we have fertile agricultural lands to cultivate and produce paddy no one can survive with house alone. Therefore, conversion of agricultural land as residential and industrial colony shall be prohibited. Keeping this vital fact in mind, this Court without going into the merits of the matter, taking into consideration that the fourth respondent without any approval from the second respondent is attempting to convert the agricultural wet land into residential plot hereby directs the respondents 1 to 3 to consider the petitioner's representation dated 30.05.2015 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that the third respondent is hereby directed to consider the petitioner's representation after giving due notice to petitioner as well as to the fourth respondent who is the affected person.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.
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s/d-
Assistant Registrar(CS-III)

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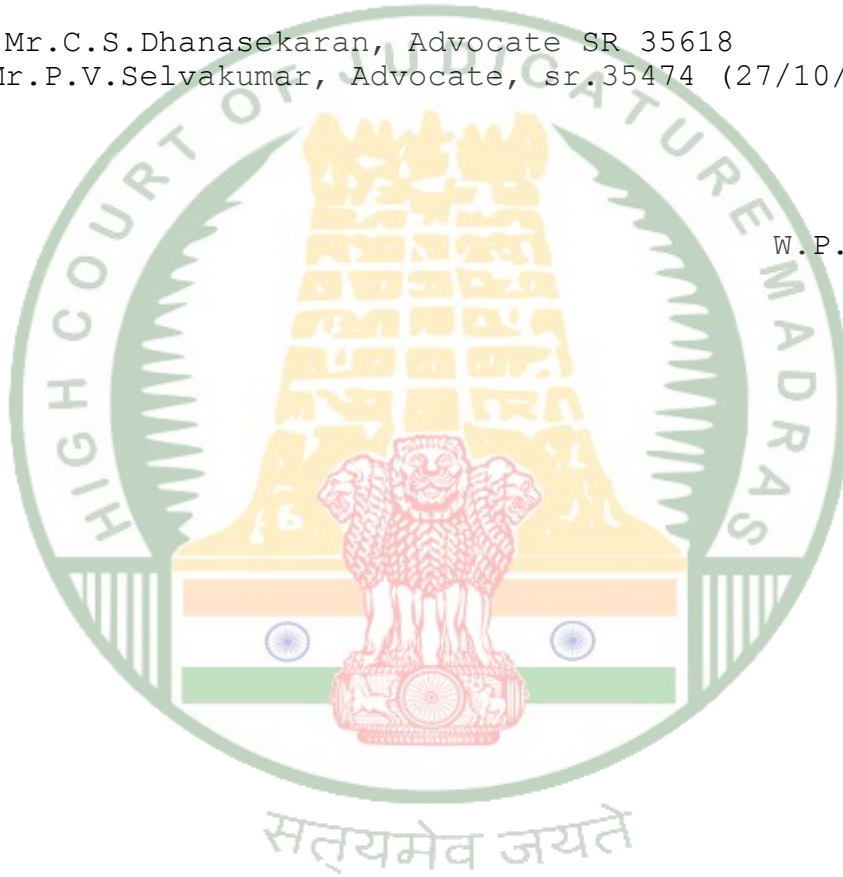
Sub-Assistant Registrar

To

- 1 The District Collector
Cuddalore District Cuddalore.
- 2 The Assistant Director
Town and Country Planning Villupuram.
- 3 The Commissioner
Panruti Municipality Panruti Cuddalore
District.

+ 1 cc to Mr.C.S.Dhanasekaran, Advocate SR 35618
+1 cc to Mr.P.V.Selvakumar, Advocate, sr.35474 (27/10/2015)

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