

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4/11/2015

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.18747 of 2014

Accolade Builders and Services Pvt. Ltd.,
Rep. By Mr.M.Palanikumar.
No.2/3, Unique Apartments,
First Street, Nehur Nagar,
Adayar,
Chennai-20.

... Petitioner

Versus

1. The Commissioner of Town and Country Planning,
Anna Salai,
Chennai-2.
2. The Deputy Director of Town and
Country Planning,
Chinna Sokki Kulam,
Madurai Zone, Madurai.
3. The President/Executive Officer,
Villpatti First Grade Panchayat,
Kodaikanal Panchayat Union,
Dindigul District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to consider the case of the petitioner and pass orders on the application dated 09.11.2011 submitted under Order 3(1) of the Tamil Nadu Panchayat Building Rules 1997 with regard to granting of layout approval in respect of Survey Nos.2089, 2090/1, 2091/1, 2091/2, 2091/3, 2091/4, 2093/1, 2093/2, 2093/3, 2094/1, 2095/1, 2095/2, 2096/1, 2096/2, 2097/1,

2097/2, 2098/1 situated at Villpatti Village, Kodaikanal Taluk, Dindigul District on the basis of the recommendations of the second and third respondents letter dated 24.05.2011 and 11.11.2011 respectively.

For Petitioner : Mr.G.Elanchezhiyan
For RR1 & 2 : Mr.R.Rajeswaran,
Special Government Pleader
For R3 : Mr.R.Govindasamy

O R D E R

With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2. Heard Mr.G.Elanchezhiyan for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for the respondents 1 and 2 and Mr.R.Govindasamy for the third respondent.

3. This writ petition is filed praying to direct the first respondent to consider the case of the petitioner and pass orders on the application dated 9th November 2011, submitted by the petitioner under Order 3(1) of the Tamil Nadu Panchayat Building Rules 1997.

4. Though several facts have been set out by the writ petitioner, it would not be necessary, at this stage, to refer to the earlier factual matrix, as the matter has already been considered by the Hill Area Conservation Authority (HACA). Copy of the Minutes of the 46th Meeting of the HACA report, held on 19th April 2013, has been filed by the petitioner, in the additional typed set of papers. The petitioner's application was considered and the decision was taken by the Committee on the following lines:-

"Minutes of the 46th Meeting held on 19.4.2013 at 3.00 p.m., in the Old Conference Hall of the Secretariat, Chennai.

The Secretary to Government, Housing and

Urban Development chaired the meeting. List of participants of the meeting is given as annex.

The following recommendations were made by the Committee.

AGENDA NO.	SUBJECT	RECOMMENDATIONS
23	Hill Areas - Layout - Dindigul District - Kodaikanal Taluk - Vilpatti Village - R.S.No.2089, 2090/1, 2091/1,2,3,4, 2093/1,2,3, 2094, 2095/1,2, 2096/1,2, 2097/1,2 and 2098/1 - Extent of 36.38 acres proposed residential layout - Placed for HACA clearance (File No.27442/2012/LA1)	HACA recommended the residential layout proposal for clearance in Dindigul District, Kodaikanal Taluk, Vilpatti Village in R.S.No.2089, 2090/1, 2091/1,2,3,4, 2093/1,2,3, 2094, 2095/1,2, 2096/1,2, 2097/1,2 and 2098/1 to an extent of 36.38 acre, subject to the condition imposed by line departments.

5. Pursuant thereto, the first respondent has informed the petitioner, on account of certain urgent work, there will be a delay in the matter. The petitioner, by his representation dated 16th March, 2015, undertook before the first respondent, to relay the road at his cost and his request is still pending.

6. The learned Special Government Pleader appearing for the first respondent submitted that reasonable time may be given to the first respondent to consider the issue in question.

7. Accordingly, this writ petition is disposed of, directing the first respondent to consider the petitioner's representation dated 16th March 2015 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to forward a copy of his representation dated 16th March 2015 along with the copy of this order to the

first respondent, immediately. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Commissioner of Town and Country Planning,
Anna Salai,
Chennai-2.
2. The Deputy Director of Town and
Country Planning,
Chinna Sokki Kulam,
Madurai Zone, Madurai.
3. The President/Executive Officer,
Villpatti First Grade Panchayat,
Kodaikanal Panchayat Union,
Dindigul District.

+1cc to Mr.G.Elanchezhian, Advocate, S.R.No.60835

+1cc to the Government Pleader, S.R.No.61186

+ 1 CC TO MR.R.GOVINDASAMY, ADVOCATE SR 60813 (5/1/16)

WP.No.18747 of 2014

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