

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. No. 18046 of 2016
&
W.M.P. No. 15831 of 2016

K. Baskaran ...Petitioner

Vs.

1. The Secretary to Government,
Tamil Nadu Housing and Urban
Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Town and Country
Planning, Opp. To LIC,
Chengalvarayan Building,
4th Floor, No. 807,
Anna Salai,
Chennai - 600 002.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to allot the approach road to the petitioner's property bearing Survey No. 75/2C from Survey Nos. 75/4A, 75/1E, 75/6, 75/A, 75/B, 75/5, 75/3 shown as 30 feet approved road and in Survey No. 75/3 allotted for park situated at Sriperumandur "A" Block Village and Taluk, Kancheepuram District.

For Petitioner :: Mr.P. Krishnan
For Respondent :: Mr.P. Sanjay Gandhi,
Addl. Govt. Pleader
for R1 & R2

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to allot the approach road to the petitioner's property bearing Survey No. 75/2C from Survey Nos. 75/4A, 75/1E, 75/6, 75/A, 75/B, 75/5, 75/3 shown as 30 feet approved road and in Survey No. 75/3 allotted for park situated at Sriperumbudur "A" Block Village and Taluk, Kancheepuram District.

2. According to the petitioner, he is the absolute owner of the property, to an extent of 14 cents, in Survey No. 75/2C, bearing Patta No. 430, situated at Sriperumbudur Village and Taluk, Kancheepuram District, by virtue of a registered sale deed dated 01.06.2012. The petitioner decided to construct a house on the property and for that purpose, he was asked to furnish FMB and the approval layout of the adjoining lands in Survey No. 75/1E, 75/A, 75/B, 75/3, 75/2C and 75/6 by the building planner and he also obtained a copy of the approved plan. On a perusal of the same, the petitioner was informed by the building planner that the owner of the adjoining land, who obtained approval from the 2nd respondent, did not show the approach road to the lands purchased by me.

3. The petitioner would claim that as per Section 2(45) of the Town and Country Planning Act, "street alignment" means a line dividing the lands comprised in and forming part of a street from the adjoining land. However, contrary to the said Section, the adjoining land owner had obtained the approved plan from the Director of Town and Country Planning, due to which the petitioner could not apply to construct building in his property without the approaching road. In this regard, the petitioner submitted a representation dated 13.04.2016 to the 1st respondent in person and also gave another representation on 04.05.2016, which was received by the 1st respondent on 05.05.2016. However, no orders have been passed till date. Hence, the petitioner has come up with the present writ petition.

4. Heard Mr. P. Krishnan, learned counsel for the petitioner and Mr.P. Sanjay Gandhi, learned Additional Government Pleader for the respondents.

5. Considering the pendency of the representation of the petitioner dated 04.05.2016, with regard to the relief sought, without going into the merits of the case, the writ

petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 04.05.2016, taking into account, Section 2(45) of the Town and Country Planning Act and pass orders, on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

nv

To

1. The Secretary to Government,
Tamil Nadu Housing and Urban
Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
 2. The Director,
Directorate of Town and Country
Planning, Opp. To LIC,
Chengalvarayan Building,
4th Floor, No. 807,
Anna Salai,
Chennai - 600 002.
- + 1 CC to Mr.P.Krishnan, Advocate sr no 28440
- + 1 CC TO Government Pleader SR NO 28591

W.P. No. 18046 of 2016

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