



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.15328 of 2016

P.Kannagi

..Petitioner

Vs

1.The Director,
Directorate of Town and Country Planning Department,
Mount Road,
Chennai - 600 002.

2.The Commissioner,
Kumbakonam Municipality,
Kumbakonam.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to re-classify the land of the Petitioner measuring an extent of 3,153 sq.ft in T.S.No.55/1, Survey No.55/30 in Periathambi Nagar, Ward No.1, Kumbakonam Town, Kumbakonam for commercial use into one of residential use.

For Petitioner :M/s.AL.Ganthimathi

For Respondents :Mr.K.Guru
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioner she is the absolute owner of the property measuring an extent of 3153 sq.ft in T.S.No.55/1, Survey No.55/30 in Periathambi Nagar, Ward No.1, Kumbakonam Town, Kumbakonam. having purchased the same for valuable consideration from one S.V.Rangasamy. He had purchased the aforesaid property by means of sale deed, dated 4.9.2008 under



Document No.4050 of 2008 in the Office of the District Registrar, Kumbakonam.

5.The said property was earmarked for the purpose of putting up and running the shop under the approved Plan Layout of Periathambi Nagar under approved Plan No.199/1987 and under the approval of the Kumbakonam Municipality dated 21.8.1990 in the said layout, the site in subject has been earmarked for commercial use and for the purpose of shop. Hence he had purchased the same for the aforesaid purpose.

6.The grievance of the Petitioner is that since the said piece of land was not able to be used as commercial site,, he was not able to run any shop in the said place. Therefore, he had applied for planning permission on 12.1.2016 for putting up a building for residential purpose in the said plot. The Second Respondent had refused to grant planning permission stating that the said plot has been earmarked for commercial purpose and the same has been reclassified as one for residential purpose. Furthermore, there is no planning approval can be granted for constructing a residential building therein.

7.It transpires that the Petitioner had purchased the plot in the year 1995 for commercial use and the said plot has been approved under the aforesaid layout in the year 1987. Since the year 2008, he was not able to use the said plot inspite of having purchased the same by a registered sale deed for valuable consideration. In fact, he has applied for reclassification on 18.7.2016.

8.Considering the fact that the Petitioner's application/Petition seeking for reclassification of the land in question is pending before the First Respondent/The Director, Directorate of Town and Country Planning Department, Mount Road, Chennai- 600 002, this Court, at this stage, without dwelling deep into the merits and contents of the application/Petition of the Petitioner, dated 18.7.2016, deems it fit and proper to direct the First Respondent to look into the representation of the Petitioner dated 18.7.2016 with all earnestness and seriousness within two weeks from the date of receipt of a copy of this order. Thereafter the first Respondent is directed to pass a reasoned speaking order on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice) in an objective and dispassionate manner within a period of three weeks thereafter. In case, if the First Respondent is in requirement of any other documents/records from the Petitioner, then it is open to the First Respondent to issue a memo or notice to the Petitioner calling upon him to furnish the relevant records as the case may be and it is incumbent on



the part of the Petitioner to comply with the request of the First Respondent without any haziness or hesitation whatsoever. Soon after the receipt of any document, the First Respondent is directed to proceed further and to do the needful in the subject-matter in issue within the time adumbrated by this Court, as stated supra. The Petitioner is directed to lend her assistance and cooperation to the First Respondent, in disposing of her representation dated. 18.7.2016, within the time fixed by this Court.

9. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director,
Directorate of Town and Country Planning Department,
Mount Road,
Chennai - 600 002.
2. The Commissioner,
Kumbakonam Municipality,
Kumbakonam.

+1cc to M/S.AL.GANDHIMATHI, ADVOCATE, SR NO: 46431

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 45993

VSN

JA-KP-1.09.2016/3P:5C

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