

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.09.2018

CORAM
THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN
W.P.No.21567 of 2018 and
WMP. No. 25318 of 2018

Mr. S. Ravichandra Babu

...Petitioner

-Vs-

1.The Secretary to Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Town and Country Planning Department,
807, Anna Salai, Chennai - 600 002.

3.The Deputy Director,
O/o. Deputy Director of Town and Country Planning,
239, Base 2, Sathuvachari,
Vellore - 632 009.

4.The Special Officer/The Block Development Officer,
Vadamampakkam Village Panchayat,
Kaveripakkam Panchayat Union,
Vellore District

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus or any other appropriate writ, order or direction calling for the records of the respondents culminating in the impugned order of the 3rd respondent bearing ref. No.Na.Ka.No.739/2017/Vema3 dated 07.11.2017 and quash the same also permitting the petitioner to sell the plots situated at Survey No.513/1A part, 514/1A, 1B, 515/1 to 18 and 515/19, Vadakambakkam Village, Kaveriapakkam Panchayat Union, Arakkonam Taluk, Vellore District as per the approval granted by the 3rd respondent bearing reference No.Na.Ka.No.1710/2017/Vema3 dated 26.10.2017.

For Petitioner : Mr.N. Alagu Narayanan

For Respondents-1to3 : Mr.A.N. Thambidurai
(Spl. Govt. Pleader)

For Respondent-4 : M/s. P. Rose Kamalam
(Govt. Advocate)

O R D E R

The Writ petition has been filed by the petitioner challenging the order dated 07.11.2017 passed by the third respondent in proceeding No.Na.Ka.No.739/2017/Vema3 wherein the layout approval granted to the petitioner in the earlier order dated 26.10.2017 in proceeding No.Na.Ka.No.1710/2017/Vema3 has been withdrawn.

2. The grievance of the petitioner is that, the petitioner is the owner of the property ad-measuring 9.58 acres of land situated at Survey No.513/1A part, 514/1A, 1B, 515/1 to 18 and 515/19, Vadakambakkam Village, Kaveriapkkam Panchayat Union, Arakkonam Taluk, Vellore District. He has submitted an application for lay out approval for the above said property by paying the appropriate fees on 25.10.2017 as per Government order dated 04.05.2017 in G.O.Ms.No.78. Thereafter, the third respondent has granted in-principal approval on 26.10.2017 in reference No.Na.Ka.No.1710/2017/Vema3, in the meantime, the Government has issued order in G.O. Ms. No.172 dated 13.10.2017 by which the power to grant the layout approval was given to the Director, Town and Country Planning and the Member Secretary, CMDA. Therefore, the layout approval granted by the third respondent, has been revoked by virtue of the order dated 07.11.2017 in proceeding No.Na.Ka.No.739/2017/Vema3. Being aggrieved by the above said order, the petitioner has filed this writ petition.

3. Heard the learned Counsel for the petitioner and learned Special Government pleader for the respondents 1 to 3 and Government Advocate for the respondent 4.

4. The learned Counsel for the petitioner would submit that the layout approval has been withdrawn by the third respondent without considering that the petitioner has obtained the approval by paying a sum of Rs.25,15,500/- towards regularization fees, as per G.O. Ms.78 dated 04.05.2017 and the impugned order was passed by the third respondent without giving notice to the petitioner.

5. The learned Special Government Pleader and Government Advocate appearing for the respondents would submit that the order has been passed according to the Government order to regularize the unapproved plots under the operational guidelines. There is internal Communication between the third respondent and fourth respondent that the layout approval has been withdrawn only limited purpose to follow operational guideline issued by the second respondent and not to withdraw in principal approval granted to the petitioner. Further, it has been submitted that the matter is pending with the third respondent to get approval from the second respondent as per the operational guideline and after getting necessary approval from

the second respondent in accordance with operational guidelines, the petitioner will be informed.

6. Having perused the affidavit filed by the petitioner in support of the writ petition along with documents and having heard arguments made by the learned counsel on either side, I am of the view that the impugned proceedings is only an internal Communications between the third respondent and fourth respondent regarding layout approval as per the guideline issued by the Government. Now, the application is pending with the third respondent for getting approval from the second respondent. Therefore, the third respondent is directed to pass suitable order after getting approval from the second respondent on merits and in accordance with law.

7. With the above direction, this writ petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

lbm

To

- 1.The Secretary to Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Town and Country Planning Department,
807, Anna Salai, Chennai - 600 002.
3. The Deputy Director,
O/o. Deputy Director of Town and Country Planning,
239, Base 2, Sathuvachari,Vellore - 632 009.
4. The Special Officer/The Block Development Officer,
Vadamampakkam Village Panchayat,
Kaveripakkam Panchayat Union,
Vellore District

+1cc to Mr.K.Shanmugam, Advocate, S.R.No.63604
+1cc to the Government Pleader, S.R.No.63450

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rrs 11/10/2018