

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.33155 of 2017

M.Narayanasamy

...Petitioner

vs

1.The Director,

Town & Country Planning Department,
Chennai 600 002.

2.The Deputy Director,

Town & Country Planning Department,
Chennai 600 002.

3.The Commissioner,

Town & Country Planning Department,
Chennai 600 002.

4.M.Muthusamy

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 04.12.2017 and to cancel the approval of layout LPDTCP No.1570/1995, Venkateshwara Nagar, Hosur, Krishnagiri District in the light of the third respondent's proceedings dated 07.09.2009 in ROC No.10954/09LA2.

For petitioner : Mr.M.P.Saravanan

For Respondents : Mr.D.Suriyanarayanan for R1 to R3
Additional Government Pleader
No Appearance for R4

O R D E R

The petitioner seeks for a mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 04.12.2017, wherein and whereby he sought to cancel the approval of lay out LPDTCP No.1570/1995, Venkateshwara Nagar, Hosur, Krishnagiri District issued in favour of the fourth respondent.

2.Though notice was ordered to the fourth respondent in this writ petition and the same was served on him through private notice, he has not chosen to appear before this Court either in person or through counsel.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents

1 to 3.

4.The petitioner claims that he is the owner of the subject matter property, for which the lay out approval was granted in favour of the fourth respondent. Therefore, he contended that the fourth respondent, who is not having any right or title to the said property, cannot have lay out approval granted in his name. The petitioner sought to rely upon the proceedings of the third respondent dated 07.09.2009 as well as the judgment and decree passed by this Court in S.A.No.549 of 2006, etc., dated 17.02.2017.

5.Considering the above stated facts and circumstances and considering the fact that the fourth respondent has not chosen to appear before this Court inspite of receipt of notice, this writ petition is disposed of, by directing the respondents 1 to 3 to consider the petitioner's representation dated 04.12.2017 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the fourth respondent. It is open to the respective parties to place all the materials before the respondents 1 to 3, so as to enable them to pass appropriate orders accordingly. The whole exercise shall be done by the respondents 1 to 3 within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

vri

To

1.The Director,
Town & Country Planning Department,
Chennai 600 002.

2.The Deputy Director,
Town & Country Planning Department,
Chennai 600 002.

3.The Commissioner,
Town & Country Planning Department,
Chennai 600 002.

+1 cc to Mr.M.P.Saravanan, Advocate SR.NO. 9875

+1 cc to Government Pleader, High Court, Chennai SR.NO. 10366

W.P.No.33155 of 2017

JK 19/02/18