

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.3421 of 2017
W.M.P.No.3406 of 2017

N.Sridar

...Petitioner

Vs.

1. The District Collector,
Collector Office Compound,
Salem - 636 001.
 2. The Executive Officer,
Etthapur Town Panchayat Office,
Etthapur, Salem District.
 3. The Deputy Director,
Town and Country Planning,
Director of Town and Country Planning Office,
Salem District.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent relating to the impugned proceedings in Na.Ka.No.A2/125/2016, dated 04.08.2016 and quash the same and consequently, direct the 2nd respondent to accept the public road gifted by the petitioner under two gift deeds bearing Document No.4699 of 2015 and Document No.4700 of 2015, dated 21.12.2015.

For Petitioner : Mr.A.E.Ravichandran

For Respondents: Mr.V.Shanmuga Sundar,
Spl.G.P.(for RR1 & 3)
Mr.K.Balamurugan (for R2)

ORDER

The petitioner has filed this petition, seeking for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent relating to the impugned proceedings in Na.Ka.No.A2/125/2016, dated 04.08.2016 and quash the same and consequently, direct the 2nd respondent to accept

the public road gifted by the petitioner under two gift deeds bearing Document No.4699 of 2015 and Document No.4700 of 2015, dated 21.12.2015.

2. Heard the learned counsel for the petitioner, learned counsel for the respondents 1 and 3, and the learned Standing Counsel for the 2nd respondent.

3. The learned counsel for the petitioner submitted that the petitioner along with other co-owners have sold certain properties to a School Management for construction of School, in the year 2015 and also gifted certain lands to a Private Trust. Subsequently, in order to pave way to the School and the Private Trust, a private road was formed in the land of the petitioner. When the petitioner was ready to gift the land in favour of the 2nd respondent, it was not accepted on the ground that no approval was given by the Town and Country Planning Department.

4. The learned counsel for the petitioner further submitted that subsequent to the filing of this writ petition, the 3rd respondent has granted approval of the layout, by an order dated 13.12.2017 in Na.Ka.No.5733/2017 Che.Ma.-3, so there won't be any hindrance to the 2nd respondent to accept the gift deed from the petitioner.

5. The learned Special Government Pleader appearing for the second respondent submitted that though technical approval was obtained from the Town and Country Planning Act, but so far, the petitioner has not paid the requisite fee. If the entire amount is paid, they are ready to accept the gift deed.

6. In reply, the learned counsel for the petitioner submitted that the petitioner is ready to remit necessary fee and the respondents may be directed to accept the gift deed.

7. In the light of the submissions of the learned counsel on either sides, on the payment of requisite fees, the respondents are directed to accept the gift deed. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS II)
//True Copy//

Sub Assistant Registrar

pvs

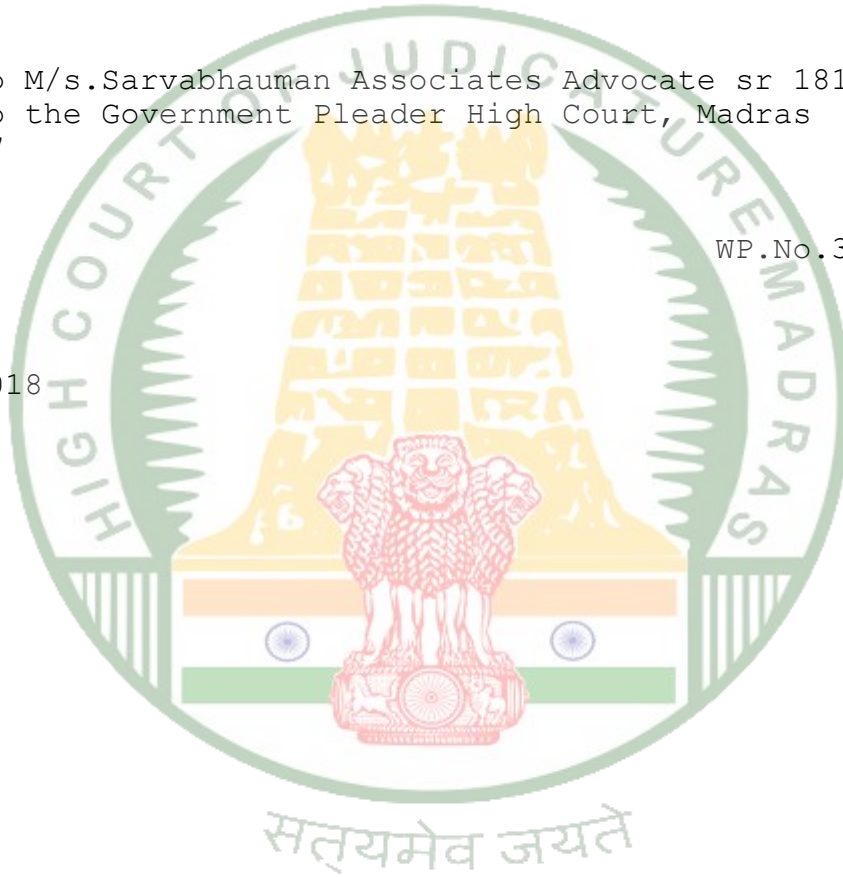
To

1. The District Collector,
Collector Office Compound,
Salem - 636 001.
2. The Executive Officer,
Etthapur Town Panchayat Office,
Etthapur, Salem District.
3. The Deputy Director,
Town and Country Planning,
Director of Town and Country Planning Office,
Salem District.

+1 cc to M/s.Sarvabhauman Associates Advocate sr 18183
+1 cc to the Government Pleader High Court, Madras
sr 18847

WP.No.3421 of 2017

mr(co)
aa15/03/2018



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