

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.2565 of 2017

A.N.Chandraiyan

..Petitioner

Vs

1. The Municipal Commissioner,
Salem Municipal Corporation,
Salem -1.

2. The Executive Engineer-Cum-
Appellate Authority,
Salem Municipal Corporation,
Salem - 1.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to take steps for laying scheme roads (LL Road, HH Road, DD Road and BB Road) in accordance with Scheme Extract - Rathinasampuram Detailed Development Plan, Salem Municipal Corporation (Review) dated as 11.02.2008 as requested vide representations dated 06.01.2012, 04.05.2012, 07.05.2012, 09.05.2012, 19.06.2012, 04.07.2012, 01.08.2012 and 08.05.2013.

For Petitioner : Mr.R.Senniappan
For Respondents : Mrs.K.Bhuvaneswari
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus to direct the respondents to take steps for laying scheme roads (LL Road, HH Road, DD Road and BB Road) in accordance with Scheme Extract.

3. According to the petitioner, he is entitled to get scheme road in accordance with G.O.Ms.No.1412, Rural Development and Local Administration Department, dated 07.07.1972. But even after lapse of 43 years and despite repeated requests, no fruitful purpose has been achieved. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that after issuing Detailed Development Plan, no notification was issued by the authority under Section 27 of the Tamil Nadu Town and Country Planning Act. It is further submitted that the petitioner is ready to give fresh representation to the competent authority and he may be directed to consider the same in accordance with law.

5. The learned Standing Counsel for the respondents submitted that the Director of Town and Country Planning is the authority to issue notification, but he is not added as a party to the writ petition and the respondents cannot lay road, unless the lands are acquired as per the provisions of the Tamil Nadu Town and Country Planning Act.

6. Considering the facts of the case and submissions of the learned counsels on either side, this Court directs the petitioner to give a fresh representation to the competent authority within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the competent authority shall consider the same on merits and in accordance with law, within a period of six months therefrom.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs
To

1. The Municipal Commissioner,
Salem Municipal Corporation,
Salem -1.
2. The Executive Engineer-Cum -Appellate Authority,
Salem Municipal Corporation,
Salem - 1.

+ 1 cc to Mr. R. Senniappan, Advocate Sr.42007
+ 1 cc to Ms. Bhuvaneshwari, Advocate Sr.42382

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(CO-AR)

EU(16/07/2018)

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