

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.28208 of 2017

Dheivanai

..Petitioner

Vs

1.The Deputy Director of Town and Country Planning,
Salem Region,
No.6, Sannathi Street,
Subramani Nagar, Salem - 636 005.

2.Mr.Appadurai

3.Erode Weavers Co-operative Production,
and Sales Society Ltd.,
Regn.No.K1216, Represented by its President
V.P.Appadurai,
No.3, Kovalan Street, Erode.

.. Respondents

(R3 impleaded as per order of this Court
dated 12.02.2018 in W.M.P.No.3724 of 2018
in W.P.No.28208 of 2017)

Prayer: The Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of Mandamus, directing
the first respondent to consider and dispose of the petitioner's
representation dated 29.8.2017, within a time frame.

For Petitioner : Mr.R.Arun Dattan

For Respondents : Mr.N.Manikandan
Government Advocate, for R1
Mr.A.Sundaravadhanan, for R2 and R3

O R D E R

The petitioner has come forward with this writ petition
for issuance of writ of mandamus, directing the first respondent
to consider and dispose of the representation dated 29.8.2017.

2. The case of the petitioner is that the agricultural land in S.Nos.126/4 and 149 situated at Pungampadi Village, Perundurai Taluk, Erode District was under the occupation of the petitioner's ancestors and after the demise of her father, she has been in possession and enjoyment of the same. While so, the second respondent had purchased some properties in and around her land to an extent of 20 acres, to form a lay out. Thereafter, the second respondent had obliterated the common path way / cart track, with a view to block the entry of the petitioner. Hence, she gave a representation on 29.8.2017. Since, no action was taken, the present writ petition.

3. Heard Mr.R.Arun Dattan, learned counsel for the petitioner, Mr.N.Manikandan, learned Government Advocate appearing for the first respondent and Mr.A.Sundaravadhanan, learned counsel appearing for the respondents 2 and 3.

4. The learned Government Advocate appearing for the first respondent submitted that, this Court by an order dated 06.11.2017, directed the Deputy Director of Town and Country Planning, Salem Region, to inspect the premises and file a report. Accordingly, report was filed on 09.02.2018. The layout sketch formed by the second respondent is annexed with the report and it shows that the private respondents have formed a layout in S.Nos.125/3, 125/4, 126/1, 150/2 and 130 and the cart track which was in existence was obliterated and they have now laid 30 feet and 23 feet roads in the survey numbers, hence, the petitioner cannot have any grievance.

5. The learned counsel for the petitioner submitted that the private respondents without getting planning approval for the layout, have already sold the house sites to third parties. He has further submitted that as per the lay out, the third respondent had already executed a gift deed, in respect of the roads formed in these layout and only in respect of the small portion, the gift deed was not executed, with an intention to prevent access to the petitioner.

6. The learned counsel appearing for the respondents 2 and 3, submitted that steps have been taken by the third respondent to get the plan approval from the competent authority and that in paragraph 6 of the counter affidavit, the third respondent has given an undertaking to execute a gift deed in respect of the small portion on the eastern side at the tail end in the 30 feet road running east west, in favour of the local body. The undertaking of the third respondent can be recorded.

7. In the light of the above facts, no further adjudication is required in this writ petition, this writ petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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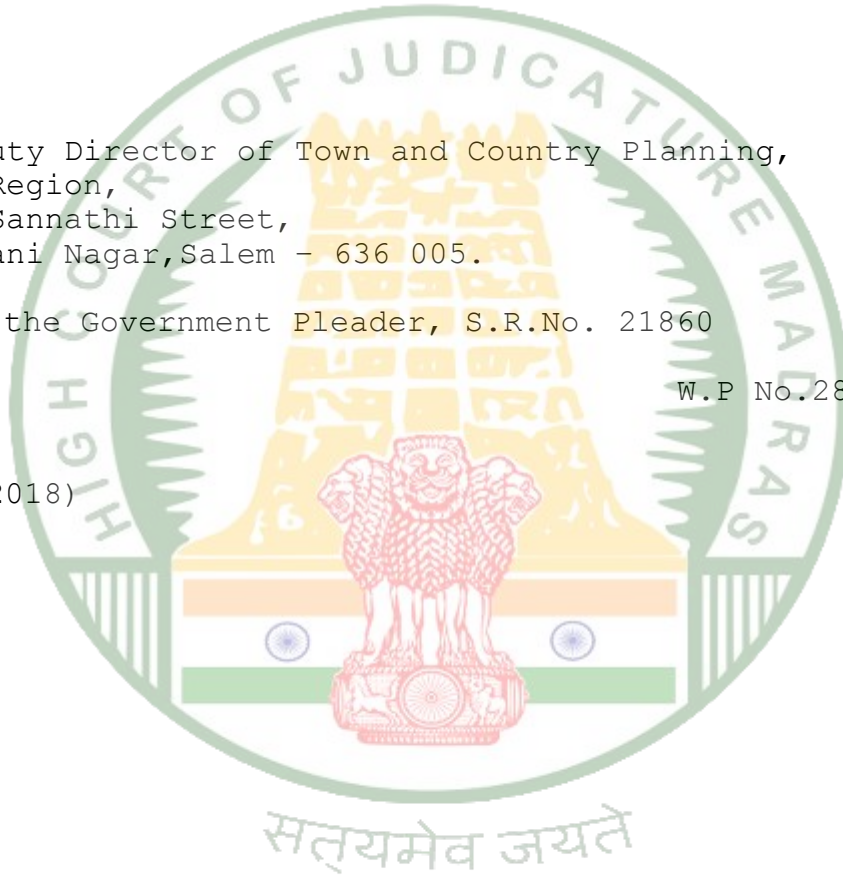
To

1. The Deputy Director of Town and Country Planning,
Salem Region,
No.6, Sannathi Street,
Subramani Nagar, Salem - 636 005.

+1cc to the Government Pleader, S.R.No. 21860

W.P No.28208 of 2017

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