

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.17863 of 2018

K.P.Arumugam

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Department of Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Directorate of Town and Country Planning,
Chennai-2.
3. The Member Secretary,
Assistant Director,
Kurichi New Town Development Scheme,
Corporation Complex 2nd Floor,
Dr. Najappa Road,
Coimbatore - 641 018.
4. The Special Officer/
Block Development officer,
Seerapalayam Village Panchayat,
Madukkarai Union,
Coimbatore District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's respective applications dated 05.03.2018, 29.05.2018, 11.06.2018 and 22.06.2018 made for removal of B1-B1 scheme road, on the basis of the inspection report of the 3rd respondent dated 25.04.2018.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.V.Shanmuga Sundar, Spl.G.P., for RR1 to 3
Mr.P.Rose Kamalan, G.A., for R4

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and the learned Government Advocate for the 4th respondent.

2. The prayer in the writ petition is for issuance of a writ of mandamus to direct the respondents to consider the applications of the petitioner dated 05.03.2018, 29.05.2018, 11.06.2018 and 22.06.2018 for removal of B1-B1 scheme road, on the basis of the inspection report of the 3rd respondent dated 25.04.2018.

3. According to the petitioner, he purchased lands measuring an extent of 21.38 acres in Seerapalayam Village, Madukarai Taluk, Coimbatore District. Thereafter, formed a lay out in the name of "Pioneer Estate" and then he applied for plan approval on 15.12.2017 to the second respondent. The petitioner would state that the third respondent by an order dated 08.02.2018 has not granted approval for 26 house sites out the 226 plots, on the ground that the sites are lying on the proposed B1-B1 scheme road.

4. The learned counsel for the petitioner submitted that against the said order, the petitioner preferred an appeal to the second respondent and as per the direction issued by the second respondent, the third respondent inspected the area and submitted a report on 25.04.2018 to the second respondent. Despite the same, the second respondent has not passed any order on the appeal of the petitioner.

5. It is further submitted that it would suffice, if a direction is issued to the second respondent to pass appropriate orders on the appeal made by the petitioner on the basis of the report of the third respondent.

6. The learned Special Government Pleader submitted that the second respondent is ready to pass orders on merits and in accordance with law.

7. Taking note of the facts of the case and the submissions of the learned counsels on either side, this Court, without going into the merits of the case directs the second respondent to consider the applications of the petitioner dated 05.03.2018, 29.05.2018, 11.06.2018 and 22.06.2018 and pass orders on merits and in accordance with law, on the basis of the report submitted by the third respondent on 25.04.2018, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government
The State of Tamil Nadu
Department of Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Directorate of Town and Country Planning,
Chennai-2.
3. The Member Secretary,
Assistant Director,
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4. The Special Officer/
Block Development officer,
Seerapalayam Village Panchayat,
Madukkarai Union,
Coimbatore District.

+1cc to Mr.Mr.N.Manokaran, Advocate, S.R.No.48774
+1cc to Mr.Mr.P.Rose Kamalan, Advocate, S.R.No.48702
+1cc to the Government Pleader, S.R.No.49349

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nr 03/08/2018