

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. No. 30447 of 2018

and

W.M.P. No. 35514 of 2018

P.A.Thanigaivel

...Petitioner

vs.

1. The Director of Town and
Country Planning Department,
802, Anna Salai,
Chennai.

2. The Deputy Director,
Town and Country Planning,
Sathuvacheri,
Vellore.

3. The Nemili Panchayat,
rep. by its Special Officer,
Nemili,
Nemili Taluk,
Vellore District.

4. Subash

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus, forbearing the respondents 1 and 2 from cancelling the petitioner's layout approved in DTCP.No.759(R)/2018 dated 25.05.2018 issued by the second respondent, without due process of law.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.V.Prabhu,
Govt. Advocate
for R1 to R3

O R D E R

This writ petition has been filed seeking direction to the respondents 1 and 2 not to cancel the petitioner's lay out .

2. According to the petitioner, he has formed lay out and an approval was also granted by the second respondent. The petitioner has executed a gift deed in favour of the local body in the year 2016 vesting the roads and other areas reserved for public purpose, thereafter, the petitioner has also sold plots to some third parties. At this stage, now, the first respondent is taking steps to cancel the planning permission at the instigation of the fourth respondent, in anticipation of the order likely to be passed by the first respondent, the present writ petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. Admittedly, so far, no order has been passed by the first respondent cancelling the approval. Even according to the petitioner, only an inter departmental enquiry is going on. The apprehension of the petitioner is that the first respondent is likely to pass order cancelling the planning permission. On the mere anticipation that an adverse order likely to be passed, the writ petition cannot be maintained. If at all any adverse order is passed against the petitioner, it is always open to the petitioner to challenge the same in the manner known to law. Even before any such order being passed by the authorities, the petitioner cannot maintain the writ petition in anticipation and hence, this petition is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Director of Town and
Country Planning Department,
802, Anna Salai,
Chennai.

2. The Deputy Director,
Town and Country Planning,
Sathuvacheri,
Vellore.

3. The Nemili Panchayat,
rep. by its Special Officer,
Nemili,
Nemili Taluk,
Vellore District.

+1cc to Mr.G.Jeremiah, Advocate, S.R.No.79504
+1cc to the Government Pleader, S.R.No.79944

W.P. 30447 of 2018
and
W.M.P. 35514 of 2018

rrs 26/11/2018



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