

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21..12..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.33247 of 2018

V.Rajaram

... Petitioner

-Versus-

1.The Director,
Directorate of Tamil Nadu Town and Country Planning,
No.807, Anna Salai,
Chennai 600002.

2.The Deputy Director,
Town and Country Planning,
Chengalpet Region,
No.124, Municipal Complex,
GST Road,
Chengalpattu 603001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider and dispose of the representation of the petitioner dated 29.10.2018 in respect of his application dated 27.04.2018 bearing Registration No.DTCP/L/0143408/2017 submitted to the 2nd respondent for regularization of unapproved layout formed in the land admeasuring an extent of 78.50 cents comprised in S.Nos.26/11B, 26/8, 30/5 and 15/1B situated at Nallambakkam Kandigai Village, Kattankulathur Panchayat, Kattankulathur Panchayat Union, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.L.Dhamodaran

For Respondent(s) : Mr.R.Govindasamy, Spl.
Govt. Pleader for R1
and R2

ORDER

This writ petition has been filed seeking to issue a writ in the nature of mandamus to the 2nd respondent for considering the representation of the petitioner dated 29.10.2018 for regularization of unapproved layout based on his application for layout approval dated 27.04.2018.

2. According to the petitioner, he is the absolute owner of the land measuring an extent of 78.50 cents comprised in different survey numbers situated at Nallambakkam Kandigai Village. He plotted out his land and formed a layout in the name and style "Seethapathi Nagar Phase-IV" and submitted an application for regularization of unapproved layout. The grievance of the petitioner is that even though the application was submitted as early as on 12.06.2018, so far no order has been passed thereof. Hence, this writ petition.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned Addl. Government Pleader submitted that one Mr.Elumalai made a rival claim in respect of the land in question and objected for regularization of unapproved layout and in view of the rival claim, the 2nd respondent is unable to proceed further in this matter.

4. Considering the fact that the application for regularization of unapproved layout is pending with the 2nd respondent and there is a rival claim from Mr.P.Elumalai of Nallampakkam Village, the 2nd respondent is directed to conduct an enquiry into the issue after issuing notice to the petitioner as well as to the objector concerned and thereafter, pass suitable orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Director, Directorate of Tamil Nadu Town and Country Planning, No.807, Anna Salai, Chennai 600002.

2.The Deputy Director, Town and Country Planning, Chengalpet Region, No.124, Municipal Complex, GST Road, Chengalpattu 603001.

+1cc to Mr.L.Dhamodaran, Advocate, S.R.No.89882

W.P. No.33247 of 2018

CP(CO)

rrs 15/02/2019