



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.02.2018

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

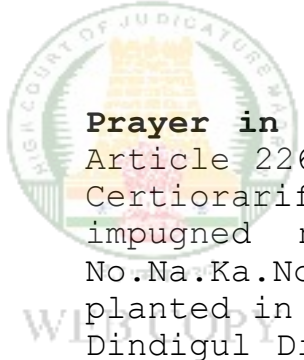
Writ Petition (MD)Nos.1758, 1759, 1760, 2043 and 2044 of 2018
and
W.M.P.(MD).Nos.1880 to 1885 and 2266 to 2269 of 2018

V.Karunakaran	.. Petitioner in W.P.(MD).No.1758 of 2018
K.S.Deivendran	.. Petitioner in W.P.(MD).No.1759 of 2018
T.R.S.Nagarajan	.. Petitioner in W.P.(MD).No.1760 of 2018
S.Murugesan	.. Petitioner in W.P.(MD).No.2043 of 2018
S.Santhose Kumar	.. Petitioner in W.P.(MD).No.2044 of 2018

-Vs-

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Assistant Director of Panchayat,
Dindigul Region, Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 4.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 5.The Executive Officer,
Thadicombu Panchayat,
Dindigul Taluk,
Dindigul District. .. Respondents in all Writ Petitions

Prayer in W.P.(MD).No.1758 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 5th Respondent in his notice No.Na.Ka.No.159/2017/A, dated 17/01/2018, to remove the stones planted in survey numbers 2138/2B, 2164/2, 2163/2 situated at Dindigul District, Dindigul Taluk, Thadicomnu village to demarcate the four boundaries of housing plots and quash the same and further direct the 1st respondent to pass appropriate orders in connection with the application pending for issuance of no objection certificate for survey numbers 2138/2B, 2164/2, 2163/2 situated at Dindigul District, Dindigul Taluk, Thadicombu village.



Prayer in W.P. (MD).No.1759 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 5th Respondent in his notice No.Na.Ka.No.159/2017/A, dated 17.01.2018, to remove the stones planted in survey numbers 2160/1, 2161/1, 2161/2, 2160/4 situated at Dindigul District, Dindigul Taluk, Thadicombu village to demarcate the four boundaries of housing plots and quash the same and further direct the 1st Respondent to pass appropriate orders in connection with the application pending for issuance of no objection certificate for survey numbers 2160/1, 2161/1, 2161/2, 2160/4 situated at Dindigul District, Dindigul Taluk, Thadicombu village.

Prayer in W.P. (MD).No.1760 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 5th respondent in his notice No.Na.Ka.No.159/2017/A, dated 17.01.2018, to remove the stones planted in Survey Numbers 2158/3, 2159/1, 2159/3 situated at Dindigul District, Dindigul Taluk, Thadicombu Village to demarcate the four boundaries of housing plots and quash the same and further direct the 1st respondent to pass appropriate orders in connection with the application pending for issuance of no objection certificate for survey numbers 2158/3, 2159/1, 2159/3 situated at Dindigul District, Dindigul Taluk, Thadicombu village.

Prayer in W.P. (MD).No.2043 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 5th respondent in his notice No. Na.Ka.No.159/2017/A, dated 17.01.2018, to remove the stones planted in survey numbers 2138/2A, 2138/2B, 2164/1 situated at Dindigul District, Dindigul Taluk, Thadicombu village to demarcate the four boundaries of housing plots and quash the same and further direct the 1st respondent to pass appropriate orders in connection with the application pending for issuance of no objection certificate for survey numbers 2138/2A 2138/2B 2164/1 situated at Dindigul District, Dindigul Taluk, Thadicombu village.

Prayer in W.P. (MD).No.2044 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 5th respondent in his notice No.Na.Ka.No.159/2017/A, dt.17/01/2018, to remove the stones planted in survey numbers 2161/3, 2162/1, 2162/2, 2163/1 situated at Dindigul District, Dindigul Taluk, Thadicombu village to demarcate the four boundaries of housing plots and quash the same and further direct the 1st Respondent to pass appropriate orders in connection with the application pending for issuance of no objection certificate for survey numbers 2161/3, 2162/1, 2162/2 2163/1 situated at Dindigul District, Dindigul Taluk, Thadicombu village.



For petitioners
For Respondents

: Mr.D.Selvaraj in all petitions
: Mr.M.Rajarajan,
Government Advocate
in all petitions

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COMMON ORDER

Since the issue involved in all the above Writ Petitions are one and the same the Writ Petitions are disposed of by a common order.

2.These Writ petitions have been filed against the order passed by the 5th respondent under Section 56(1)(a) and 57(3)(1)(a) of Tamilnadu Town and Country Planning Act, 1971.

3.According to the petitioners, the petitioners are engaged in Real Estate Business and have purchased the properties from third parties and converted them into house sites, since the lands are classified as nanja land, they have filed application before the respondents 3 & 4 for granting No Objection Certificate. The respondents 3 & 4 also inspected the land and recommended to the 1st respondent for issuance of No Objection Certificate in the year 2015 itself but so far no order has been passed by the 1st respondent. In the mean time the impugned notice has been issued to all the petitioners under Section 57(3)(1)(a) of the Tamilnadu Town and Country Planning Act, 1971, directing the petitioner to remove all the stones put up by the petitioners. Challenging the order the present Writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that impugned notice under Section 57(3) of the Tamilnadu Town and Country Planning Act, issued to the petitioner without issuing any notice under Section 57(1) of the Act, the respondent cannot issue the proceedings and the order is liable to be set aside.

5.The learned counsel appearing for the respondent would contend that the petitioner's application seeking No Objection Certificate pending with the 1st respondent. Pending application now the petitioners converted the land as house sites and selling to third parties. In the above Circumstances the aforesaid notice has been issued. Admittedly, with regard to the above said survey numbers the application seeking for No Objection Certificate is pending with the first respondent and so far no orders has been passed. In the said circumstances, pending application the petitioner should not convert the land as house site. Hence, the respondents are entitled to issue the impugned notice and there is an illegality or irregularity.

6.At this stage the learned counsel appearing for the petitioner submitted that the petitioner's application for granting No Objection Certificate is pending with the first respondent for long time, for the neighbouring lands already permission has been



granted and they have obtained necessary lay out permission so far this survey number alone the application is pending, and further submitted that the first respondent may be directed to pass orders in the applications within a short time. Considering the fact that the applications are pending before the first respondent for a long time, the first respondent is directed to pass order on the petitioners' applications within a period of four weeks from the date of receipt of a copy of this order after giving opportunity to the petitioner. Till the order passed by the first respondent the petitioners are directed not to make any developments in the land and they have to maintain status quo as on today.

7. With the above said observations, these Writ petitions are disposed off. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Assistant Director of Panchayat,
Dindigul Region, Dindigul.
3. The Revenue Divisional Officer,
Dindigul, Dindigul District.
4. The Tahsildar, Dindigul West Taluk,
Dindigul District.
5. The Executive Officer, Thadicombu Panchayat,
Dindigul Taluk,
Dindigul District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50244

Writ Petition (MD) Nos. 1758, 1759,
1760, 2043 and 2044 of 2018
and W.M.P. (MD). Nos. 1880 to 1885
and 2266 to 2269 of 2018
20.02.2018

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MS/SKN-RSK/SAR-1/06.04.2018/4P.7C