

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.14692 of 2018 and

W.M.P.No.17357 of 2018

Dr.P.Selvaraj

.. Petitioner

vs

1 The Commissioner  
Town and Country Planning  
Anna Salai, Chennai - 600 002

2 The Member Secretary  
Municipal Commissioner  
Namakkal Local Planning Authority  
Municipal Building  
Paramathi Road, Namakkal

3 Mrs.D.Jayasree .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to permit the petitioner to peruse the variation plan pertaining to draft variation with plan in order to enable the petitioner to file his objections regarding the conversion of residential use into public purpose use in Ward D, Block 23, T.S. No.5, owned by the Mrs.D. Jayasree as per DDP (V) DTCP No.11 of 2018 on the date fixed by this Court.

For Petitioner : Mr.C.Jagadish

For Respondents: Mr.K.Suresh  
Government Advocate - for R1 & R2

Mr.Guberan  
for M/s.Rank Associates - for R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.C.Jagadish, learned counsel appearing for the petitioner, Mr.K.Suresh, learned Government Advocate, appearing for the respondent Nos. 1 and 2 and Mr.Guberan, learned counsel appearing for the respondent No.3

2. The prayer of the petitioner is for a direction to be issued to the respondent Nos.1 and 2 to permit the petitioner to peruse the variation plan pertaining to draft variation with plan in relation to conversion of residential use into public purpose use in Ward D, Block 23, T.S. No.5, owned by respondent No.3.

3. It is noticed that on 28.04.2018, a Notification was issued by the Assistant Director of Town and Country Planning, which says any person affected or interested in the draft variation, may, within 60 days from the date of publication of Notification in the Gazettee, can represent in person or submit in writing to the Authority mentioned in the Notification any objections and suggestions relating thereto. The Notification categorically states that the variation with plan may be inspected free of cost at any time during office hours at the above said Local Planning Authority Office.

4. Pursuant to the said Notification, the petitioner has sent his application seeking permission to peruse the proposed variation plan pertaining to conversion of residential use into public purpose use in Ward 'D', Block 23, T.S.No.5, owned by Mrs.D.Jayashree. The said application is dated 23.05.2018 and the endorsement thereon says that it was received by the Office of the Municipal Commissioner on 23.05.2018.

5. The grievance of the petitioner is that though he has made an application, he has not been allowed to peruse the said variation plan.

6. It is seen that the Notification is dated 25.04.2018, in which it is stated that any person affected or interested can represent in relation to it within 60 days. It is also seen that the petitioner has preferred the application within the period of 60 days and it was received by the concerned Authority within the said stipulated period of 60 days. As the application was received within the time prescribed, the authority ought to have allowed the petitioner to peruse the same.

7. In view of the above facts, the learned Government Advocate states that the petitioner would be allowed to peruse the said variation plan on 21.03.2019 during office hours at the Local Planning Authority Office.

8. The Notification categorically states that the variation with plan may be inspected free of cost at any time during office hours at the above said Local Planning Authority Office. After perusing the said variation plan, if the petitioner desires to prefer any objections, such objections shall be filed before the Local Planning Authority Office and the Authority will consider the same, in accordance with law.

9. The Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Commissioner  
Town and Country Planning  
Anna Salai, Chennai - 600 002
- 2 The Member Secretary  
Municipal Commissioner  
Namakkal Local Planning Authority  
Municipal Building  
Paramathi Road, Namakkal

+1cc to M/S.Rank Associates, Advocate Sr.19804

+1cc to M/S.S.Senthil, Advocate Sr.20624

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