



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

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WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.16440 of 2019

A.Balu

... Petitioner

Vs.

1.The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai.

3.The Member Secretary,
Madurai Local Planning Authority,
Corporation Office Building,
Madurai.

4.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to grant approval for Plot No.4 in Survey No.5/26B1, Sirudur Village, Madurai belonging to the petitioner in the light of the order made by this Court in W.P(MD)No.4764 of 2018, dated 07.06.2018 within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For RR 1 to 3 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 4 : Mr.R.Murali



ORDER

Mrs.J.Padmavathy Devi, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3 and Mr.R.Murali, learned counsel accepts notice on behalf of the fourth respondent.

2.The limited prayer sought for by the petitioner herein is for a Mandamus, directing the respondents to grant approval for Plot No.4 in Survey No.5/26B1, Sirudur Village, Madurai, particularly, the light of order passed by this Court dated 07.06.2018.

3.The brief facts are that the petitioner owns land to an extent of 0.24.0 hectares in Sirudur Village, Madurai North Taluk, Madurai (in short 'property in question') having purchased the same in the year 1998. He has divided the same into 11 plots and had approached the second respondent / the Director, Town and Country Planning for approval. He was informed that the property fell within the Development Plan Part I and part of the land has been reserved for the formation of a scheme road. Thus, while granting approval in respect of most of the plots, approval was not granted for Plot No.4.

4.Pursuant thereto, there was no acquisition of the land. As such, the petitioner filed Writ Petition in W.P(MD)No.4764 of 2018 seeking a declaration that the proposal Development Plan in respect of the property in question had lapsed. This Writ Petition was allowed by the learned Single Judge on 07.06.2018 and the aforesaid order has also become final. In the light of the same, there is no embargo to grant the relief sought for in this Writ Petition.

5.The petitioner has, in fact, approached the third respondent by a representation dated 07.05.2019 setting out the aforesaid narration and seeking grant of approval on payment of necessary fees. The said respondent is directed to consider the same and pass orders of approval, in the light of the order of this Court dated 07.06.2018 in W.P(MD)No.4764 of 2018 within a period of three weeks from today.

6.The learned Special Government Pleader appearing for respondents 1 to 3, after perusal of the papers, clearly admits the aforesaid position.

7.In the light of the aforesaid and in the light of the order passed by this Court dated 07.06.2018, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Director,
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No.807, Anna Salai,
Chennai.

3.The Member Secretary,
Madurai Local Planning Authority,
Corporation Office Building,
Madurai.

4.The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-78417[F] dated
30/07/2019)

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-78398[F] dated 30/07/2019
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W.P (MD) No.16440 of 2019
29.07.2019

PS
MS/12.09.2019/3P.7C