

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16815/2020 & WMP.Nos.20851 & 20854/2020

P.Manivannan

.. Petitioner

Versus

1.The Assistant Director of Town &  
Country Planning, Villupuram Division,  
No.56/A, Government Hospital  
Villupuram 605602.

2.The Commissioner  
Vridhachalam Municipality  
Vridhachalam 606 001  
Vridhachalam Taluk  
Cuddalore District.

3.A.Pazhamalai ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records and quash the proceedings of the 2nd respondent in his Na.Ka.No.3811/2017/C1 dated 20.06.2018 and consequently direct the 2nd respondent to regularise the building constructed by the petitioner in his property bearing RS.No.59/3, 1700 sq.ft., out of 3401 1/4 sq.ft in Mullai Nagar, Vridhachalam, Vridhachalam Taluk, Cuddalore District.

For Petitioner : Mr.D.Baskar

For RR 1 & 2 : Mr.M.Elumalai  
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

(1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

Taluk, Cuddalore District and according to him, the 3rd respondent promoted an 'unapproved' layout known as 'Mullai Nagar' in Vridhachalam Town and the petitioner claims to have purchased 3401 1/4 sq.ft., of land in RS.No.59/3, Vridhachalam, through a registered Sale Deed dated 15.07.2002. The petitioner would further submit that after purchasing the said unapproved plot, had allowed his property to construct a single storeyed building over an extent of land admeasuring to an extent of 1700 sq.ft., and the petitioner started residing there and it is also assessed to other statutory levies. Patta was also transferred in his name vide proceedings of the Tahsildar, Vridhachalam, dated 03.09.2013.

(4) The learned counsel for the petitioner would submit that the Government has put in place G.O.Ms.Nos.78 and 172 of Housing and Urban Development [UD-6[3]] Department dated 04.05.2017 and 13.10.2017 respectively and when an application was submitted, it was returned vide impugned notice dated 20.06.2018 by the 2nd respondent, stating that unless an approach road is formed, the request cannot be considered. The learned counsel would further submit that the 3rd respondent has obstructed the road which is already in existence and therefore, prays for appropriate direction, directing the 2nd respondent to take appropriate action against the 3rd respondent/

(5) Mr.M.Elumalai, learned Additional Government Pleader appearing for respondents 1 and 2, on instructions, would submit that admittedly, it is an unapproved layout and unless the conditions stipulated in the above said Government Orders are satisfied, the petitioner cannot seek for regularisation of the unapproved plot as a matter of right.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) Admittedly, the petitioner did not place any materials before the 2nd respondent as to the availability of the public road which is said to have been obstructed by the 3rd respondent and straightaway invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

(8) This Court, taking note of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to respond to the impugned notice of the 2nd respondent dated 20.06.2018 by enclosing the relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, upon receipt of the same, is directed to consider the said representation by putting on notice, the 3rd respondent herein and also with the aid of relevant

records and give disposal to the said representation in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as 3rd respondent herein.

(9)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Assistant Director of Town &  
Country Planning, Villupuram Division,  
No.56/A, Government Hospital  
Villupuram 605602.

2. The Commissioner  
Vridhachalam Municipality  
Vridhachalam 606 001  
Vridhachalam Taluk  
Cuddalore District.

+1cc to Mr.R.Gururaj Advocate SR.NO.39183

+1cc to the Government Pleader SR.NO.39084

WP.No.16815/2020

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SDR 18/12/2020

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