

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17435 of 2020

and

W.M.P.No.21618 of 2020

A.Subramanian, S/o.Arumugam,

No.62, Narimedu,

Rajavel Kadu, Emapper Village,

Kallakurichi Taluk & District - 606 202.

...Petitioner

Vs.

1.The District Collector,
Collectorate, Kallakurichi District.

2.The Revenue Divisional Officer,
Office of the RDO,
Kallakurichi, Kallakurichi District.

3.The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
Kallakurichi District.

4.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai 600 002.

5.The Deputy Director,
Directorate of Town and Country Planning,
Kallakurichi, Kallakurichi District.

6.The Sub Registrar,
Kallakurichi Sub Registrar Office,
Kallakurichi Taluk & District.

7.R.Harikrishnan,
S/o.Ramalingam,
Uthayam Cotton Mill,
Periyayi Koil Road, Tachur Village,
Kallakurichi Taluk & District.

8.V.Raja,
S/o.Vettavarayan,
Uthayam Cotton Mill,
Periyayi Koil Road, Tachur Village,
Kallakurichi Taluk & District.

9.B.Kannan,
S/o.Balakrishnan,
No.222, Amman Nagar,
Kacharapalayam Road,
Kallakurichi Taluk & District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 herein to take suitable action against the respondents 7 to 9 and forbear them forming unauthorized layout and selling plots in the agricultural lands measuring 5.88 acres in Survey No.268/2 B2 and 268/2C2 of Emapper Village, Kallakurichi Taluk & District without complying due process of law.

For Petitioner : Mr.G.Arul Murugan
For Respondents : Mr.K.Parameshwaran,
(For R1 to R5)
Standing counsel
Mr.T.M.Pappiah (for R6)
Special Government Pleader

ORDER

This Writ petition has been filed for the issue of Writ of Mandamus, directing the official respondents to take action against respondents 7 to 9 and to stop them from forming an unauthorised layout and sell the same to third parties.

2.The case of the petitioner is that he found respondents 7 to 9 taking hasty steps to form an unapproved layout and create third party rights. According to the petitioner, this was an open agricultural field, which was used for agricultural purposes and after sometime, the activities were stopped and therefore, the land is lying baren. The further case of the petitioner is that respondents 7 to 9 will not have any right to form an unapproved layout and create third party rights and such an action on the part of these respondents will cause grave prejudice to the adjacent owners of the lands, who are doing agricultural activities.

3.The petitioner gave a representation to the official respondents on 28.10.2020 to stop the private respondents from proceeding further from developing an unapproved layout. The grievance of the petitioner is that the official respondents inspite of receiving the representation failed to act upon it and therefore, the private respondents are taking advantage of the same and creating an unapproved layout. Left with no other option, the present Writ Petition has been filed before this Court, seeking for appropriate action.

4.Heard Mr.G.Arul Murugan, learned counsel for the petitioner, Mr.K.Parameshwaran, learned Government Advocate for respondents 1 to 5 and Mr.T.M.Pappiah, learned Special Government Pleader for the sixth respondent.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to act upon the representation made by the petitioner on 28.10.2020. The second respondent shall call the petitioner as well as respondents 7 to 9 for an enquiry and afford them an opportunity and thereafter, take necessary action in accordance with law. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and a copy of this order. A copy of the representation shall also be marked to the first respondent.

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

Sd/-

Assistant Registrar

//True Copy//

sai/pgp
To

Sub Assistant Registrar

1.The District Collector,
Collectorate, Kallakurichi District.

2.The Revenue Divisional Officer,
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3.The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
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4.The Director,
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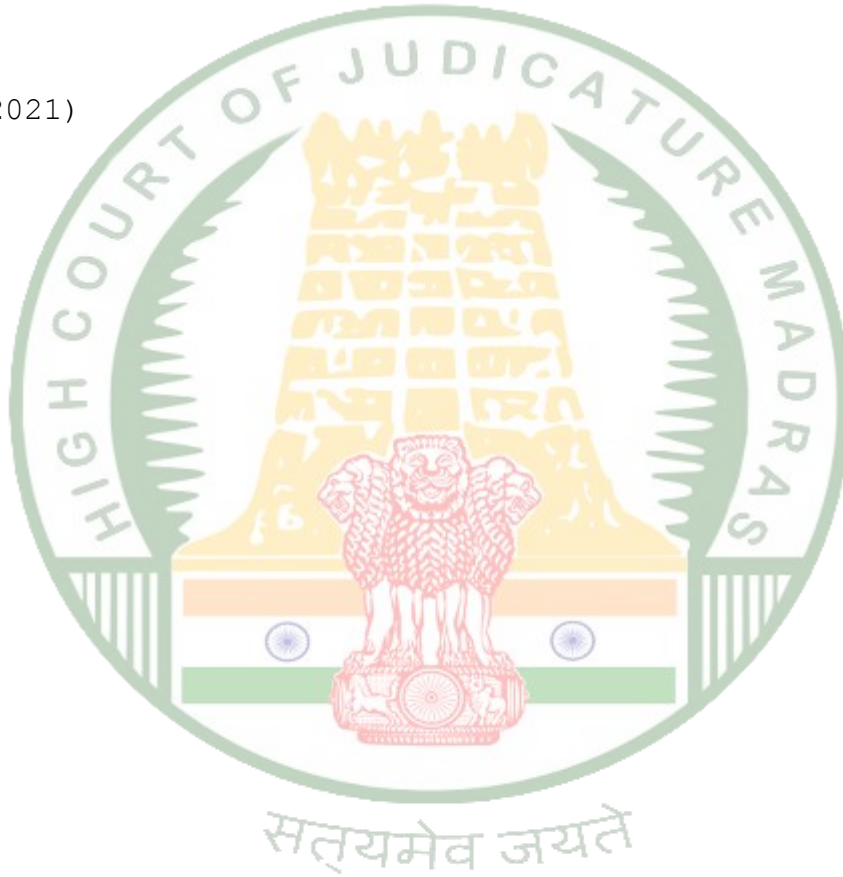
5.The Deputy Director,
Directorate of Town and Country Planning,
Kallakurichi, Kallakurichi District.

6.The Sub Registrar,
Kallakurichi Sub Registrar Office,
Kallakurichi Taluk & District.

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.40588
+1cc to the Government Pleader, S.R.No.40678

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and
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gp (CO)
rv (20/01/2021)



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