



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.10857 of 2019

S.Mohideen Abdul Kadar

.. Petitioner

Vs.

1) The Chairman/ Principal Secretary to Government,
Hill Area Conservation Authority,
Housing and Urban Development Department,
Secretariat, Chennai 600 009

2) The Director of Town & Country Planning,
Anna Salai,
Chennai 600 002

3) The Deputy Director of Town & Country Planning,
Regional Office,
Tirunelveli Region,
Tirunelveli- 5.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondents 2 & 3 herein to forward the application of the petitioner for regularisation of unapproved lay out under reference No.DTCP/L/0036797/2017 to the Hill Area Conservation Authority (HACA) the respondent No.1 herein and to grant principle approval of lay out frame work within the period that may be fixed by this Court.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus to direct the respondents 2 and 3 to forward the application of the petitioner for regularisation of his unapproved layout under reference No.DTCP/L/0036797/2017 to the Hill Area Conservation Authority (HACA).



2. Mr.K.Mu.Muthu, learned Special Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. A counter affidavit has also been filed by the third respondent, wherein, they have stated in paragraph no.8 that, it is possible to regularise the petitioner's layout vide G.O.Ms.No.66, H & UD, dated 30.03.2020, under "the Tamil Nadu Regularization of Unapproved layouts and Plots in hill Area Rules 2020". The learned Special Government Pleader for the respondents would further submit that the third respondent under the Tamil Nadu Regularisation of Unapproved Layouts and Plots in Hill Areas Rules 2020, is empowered to regularise the layouts. Hence, it is not necessary to forward the same to the first respondent as requested by the petitioner. It is also submitted that the petitioner's application, dated 29.11.2018 would be processed within the time period to be fixed by this Court.

4. Recording the submissions made by the learned Special Government Pleader as well as after recording the averments contained in the counter affidavit filed by the third respondent, this Court directs the respondents 2 & 3 to process the application of the petitioner seeking for regularisation of his unapproved layout measuring 4 acres 98 cents in S.Nos.576/1, 576/2, 560, 568/1, 559/1A, 559/2A at Nambithalaivanpattayam village, Nanguneri Taluk, Tirunelveli District and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With these directions, this writ petition stands disposed of. However, there shall be no order as costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1) The Chairman/ Principal Secretary to Government,
Hill Area Conservation Authority,
Housing and Urban Development Department,
Secretariat,
Chennai 600 009

2) The Director of Town & Country Planning,
Anna Salai,
Chennai 600 002

3) The Deputy Director of Town & Country Planning,
Regional Office,
Tirunelveli Region,
Tirunelveli- 5.

+1 CC to the SPL GP (SR-20158[F] dated 15/10/2020)

Order made in
W.P(MD) .No.10857 of 2019

Dated:
13.10.2020

PU(CO)
CS(03.11.2020) 3P 5C