



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14915 of 2020

and

W.M.P. (MD)No.12544 of 2020

T.Maheswari

: Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Head Office, No.807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director of Town and Country Planning,
Trichy Region, Kajamalai Main Road,
Kajamalai, Tiruchirapalli - 620 023.

3.K.M.A.Jinnah

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to consider the petitioner's representation, dated 28.09.2020 and to direct the 2nd respondent not to give lay out plan approval in S.Nos.233/6, 233/7 and 233/8 to the 3rd respondent on the basis of power of attorney vide in Document No.488/2012, dated 02.07.2012.

For Petitioner

:Mr.Shangar Murali

For R1 and R2

:Mr.C.Ramesh

Special Government Pleader

ORDER

(This petition was heard through Video Conferencing)

This Writ Petition has been filed for a Mandamus seeking for a direction to the 2nd respondent not to give lay out plan approval in S.Nos.233/6, 233/7 and 233/8, Anthanallur Village, Srirangam Taluk, Tiruchirapalli District, to the 3rd respondent, on the basis of the power of attorney vide in Document No.488/2012, dated 02.07.2012, based on the petitioner's representation, dated 28.09.2020.

2.Heard Mr.Shangar Murali, learned Counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, for respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>



3.It is the case of the petitioner that she had executed a power of attorney, dated 02.07.2012 in favour of the 3rd respondent for the purpose of development of her land in S.Nos.233/6, 233/7 and 233/8, Anthanallur Village, Srirangam Taluk, Tiruchirapalli District. According to her, she is having a dispute with the 3rd respondent and therefore, she had cancelled the power of attorney executed in favour of the 3rd respondent on 10.06.2014.

4.According to her, by misusing the said power of attorney, the 3rd respondent is seeking for lay out plan approval from the 2nd respondent in respect of her property. It is the case of the petitioner that she has given a representation on 28.09.2020 requesting the 2nd respondent not to grant lay out plan approval for her property to the 3rd respondent. According to her, till date, the said representation has not been considered by the 2nd respondent. In such circumstances, this Writ Petition is filed.

5.The relief sought for in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents, if the request of the petitioner not to grant lay out plan approval for the aforementioned property to the 3rd respondent, in view of the fact that the petitioner has already cancelled the power of attorney executed in favour of the 3rd respondent, is considered by the 2nd respondent on merits and in accordance with law after hearing the necessary parties including the 3rd respondent.

6.For the foregoing reasons, this Court directs the 2nd respondent to consider the petitioner's representation, dated 28.09.2020, requesting the 2nd respondent not to grant lay out plan approval for the property in S.Nos.233/6, 233/7 and 233/8, Anthanallur Village, Srirangam Taluk, Tiruchirapalli District, to the 3rd respondent and pass final orders on merits and in accordance with law after hearing all the necessary parties including the 3rd respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2020

Sub Assistant Registrar(CS)



1.The Director of Town and Country Planning,
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Chennai - 600 002.

2.The Deputy Director of Town and Country Planning,
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+1 CC to M/s.K.S.SANKAR MURALI, Advocate (SR-22841[F] dated
26/11/2020)

+1 CC to SGP (SR-23162[F] dated 27/11/2020)

Order made in
W.P.(MD)No.14915 of 2020

24.11.2020

PM(CO)
NR (08/12/2020) 3P : 5C