

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.3246 of 2021

a n d

M.P.No.3691 of 2021

Shanmugaraj

...

Petitioner

Vs

1. The Assistant Director of Town and Country Planning
Department of Town & Country Planning
Tiruppur Division
Kumaran Commercial Complex, First Floor
Near Railway Station
Tiruppur 641 601.

2. The Commissioner
Udumalpet Municipality
Udumalpet
Tiruppur District.

3. The Inspector of Police
Udumalpet Police Station
Tiruppur District.

4. Senthil Kumar

....

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the first respondent to regularise the layout formed by the petitioner over an extent of 4.85 acres bearing T.S.No.15/1 Block 1 in Ward A of Udumalpet Municipality corresponding to old S.F.Nos.261 and 271 Kanakkam Palayam Village, Udumalpet Taluk, by considering his on line application for approval dated 20/9/2018, within the time extended in G.O.Ms.No.16 dated 25/1/2021.

For petitioner

...

Mr.N.Manoharan
for Mr.N.Ponraj

For respondents

...

Mr.Ps.Sivashanmuga Sundaram
Special Government Pleader
for R.R.1 to 3

O R D E R

This Writ Petition has been filed to direct the first respondent, to regularise the layout formed by the petitioner over an extent of 4.85 acres, bearing T.S.No.15/1 Block 1 in Ward A of Udumalpet Municipality, corresponding to old S.F.Nos.261 and 271 Kanakkam Palayam Village, Udumalpet Taluk, by considering his on line application for approval, dated 20/9/2018, within the time extended in G.O.Ms.No.16, dated 25/1/2021.

2. The grievance of the petitioner is that he made an application for approving this proposed lay out on his properties and he made an application, on 20/9/2018. Initially, he has sold some of the plots without an approval and after the orders of the Government, prohibiting the sale of unapproved plots, he applied for the layout approval through online before the first respondent and also remitted the requisite fees for 74 house sites, calculated at the rate of Rs.500/- per house site. The on-line Registration No. is DTC/L/0439239/2017. The first respondent has also sent communication, in Na.Ka.No.9342/2018-Cbe.Dn-3, dated 12/3/2019, intimating him to carry out certain necessary changes in the layout plan, so as to accommodate the proposed scheme road over the roads formed in the layout. Even after completion of the necessary changes, as suggested by the first respondent, the first respondent has not issued the order of approval. According to the petitioner, his application is pending from the year 2018.

3. Mr.Ps.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the respondents 1 to 3 submitted that the first respondent is the competent authority and the Government, vide G.O.Ms.No.16, dated 25/1/2021, has extended the time limit for approval of its unapproved house sites till 28/2/2021 and if the petitioner comply with the requirements, as required by the respondents, the petitioner's application can be considered.

4. Since the petitioner's application for approval of layout is pending from the year 2018 and the Government has also extended the period for approving this unapproved lands, vide G.O.Ms.No.16, dated 25/1/2021, without expressing other requirements for the approval of the lay out, this Court direct the first respondent to take a decision on the application of the petitioner, in Registration No.DTC/L/0439239/2017, dated 20/9/2018, in the light of G.O.Ms.No.16, dated 25/1/2021, Housing and Urban Development Department, on or before 28/2/2021.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition No.3691 of 2021 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Assistant Director of Town and Country Planning
Department of Town & Country Planning
Tiruppur Division, Kumaran Commercial Complex, First Floor
Near Railway Station , Tiruppur 641 601.
2. The Commissioner
Udumalpet Municipality
Udumalpet
Tiruppur District.
3. The Inspector of Police
Udumalpet Police Station
Tiruppur District.

+1cc to Mr.N.Ponraj, Advocate, S.R.No. 9669(22/02/2021)

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GP(CO)
GN(18/02/2021)

सत्यमेव जयते

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