

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10767 of 2021

R.Murugan

.. Petitioner

-vs-

1.The District Collector,
Office of Collectorate,
Namakkal District, Namakkal.

2.The Thasildar,
Thasildar Office, Rasipuram.

3.The Director of Town and Country
Planning Department,
Paramathi Road,
S.P.Pudur, Thilaipuram,
Namakkal.

4.The Sub Registrar,
Office of Sub Registrar,
Rasipuram.

5.Shanmugasundar

6.karunakaran

7.Ramasamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 3 not to grant any approval for convert as a house site in favour of 5th to 7th respondents and consequently direct the 4th respondent not to register any document in Survey No.25/1E, Rasipuram Village, Rasipuram Taluk, Namakkal District as a house site by considering petitioner's representation dated 03.03.2021.

For Petitioner

: Mr.N.Chinnaraj

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1 to 3

: Mr.T.M.Pappiah
Spl. Government Pleader
for R-4

ORDER
(Made by Senthilkumar Ramamoorthy, J.)

The writ petition pertains to the proposed conversion of land use by the fifth to seventh respondents.

2. The writ petitioner alleges that S.No.25/1E, Rasipuram Village, Rasipuram Taluk, Namakkal District, is actually a waterbody and that it should not be converted into a house site. It is further stated that a representation dated 03.03.2021 was submitted in this connection to the District Collector, but no action has been thereon.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 3. He states that the land in Survey No.25/1E is a ryotwari patta land and that the only question for consideration is whether such land may be converted for residential use. He further states that the appropriate authority to decide this issue is the third respondent herein.

4. Mr.T.M.Pappiah, learned Special Government Pleader, accepts notice on behalf of fourth respondent.

5. In the aforesaid facts and circumstances, without examining the merits of the matter, the petitioner is granted leave to submit a fresh representation to the third respondent raising objections with regard to the proposed conversion of land use. Such representation shall be submitted within two weeks from the date of receipt of a copy of this order. The third respondent is directed to consider such representation and, if such respondent is of the prima facie view that the matter requires further examination, the fifth to seventh respondents shall be provided an opportunity of hearing before issuing and communicating a reasoned decision. This exercise shall be completed within a period of ten weeks from the date of receipt of such representation.

W.P.No.10767 of 2021 is disposed of without any order as to costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

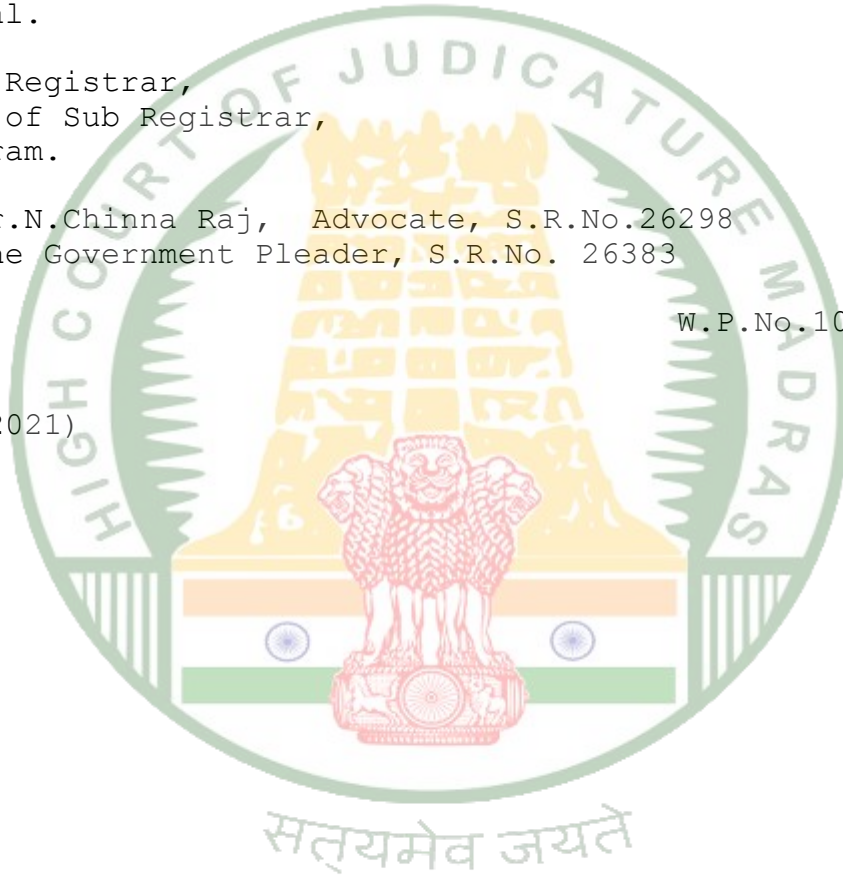
To

- 1.The District Collector,
Office of Collectorate,
Namakkal District, Namakkal.
- 2.The Thasildar,
Thasildar Office, Rasipuram.
- 3.The Director of Town and Country
Planning Department, Paramathi Road,
S.P.Pudur, Thilaipuram,
Namakkal.
- 4.The Sub Registrar,
Office of Sub Registrar,
Rasipuram.

+1cc to Mr.N.Chinna Raj, Advocate, S.R.No.26298
+2cc to the Government Pleader, S.R.No. 26383

W.P.No.10767 of 2021

RGN(CO)
GN(06/07/2021)



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