



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13812 of 2021
and W.M.P.No.14669 of 2021

G.Gajendran
S/o. M.Ganesa Naicker,
No. 104/26A Bajanaik Koil Street,
Melaikottaiyur Post Via Vandalur,
Chennai 45.

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary,
Rural and Urban Development Department,
Fort St.George, Secretariat, Chennai 9.
2. The Director
Local planning Authority / District
Collector Chengalpet Region,
Office of the District Collector,
Chengalpet District.
3. The Special Officer/Block Development Officer,
Kattankulathur Panchayat Union,
Vandalur Taluk, Chengalpet District.
4. Mr. A.Kabilan
No.1, 2nd Street, Patel Nagar,
Mudhichur road, West Tambaram,
Chennai 45.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to implement the order of temporary suspension of the sanctioned plan bearing No. 903 of 2018 passed by the Deputy Director of Town and Country Planning Chengalpet Region vide proceedings No. Na.Ka.No. 237/2021 Se.Ma.3 dated 12.4.2021 and whereby to stop all type of constructions carried on by the 4th respondent or his agents or representatives in the light of the petitioners complaint dated 22.4.2021 and 25.6.2021.



For Petitioner : Mr.P.C.Harikumar & Associates
For Respondents 1 to 3 : Mr.M.R.Gokulkrishnan, G.A.
For Respondent No.4 : Mr.Kumaaguru

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O R D E R

According to the petitioner, petitioner has made a representation to various authorities including the 3rd respondent to cancel the approval granted vide Ma.Va./Na.Vu.Thu.E(Se.Ma.)No.903/2018 by the Deputy Director, Directorate of Town and Country Planning, Chengalput region on 20.1.2021. Appeal filed by the petitioner before the District Revenue Officer, Chengalput for cancellation of Patta issued in favour of the 4th respondent under Patta Pass Book Act and the said appeal is pending before the authorities concerned. On 12.4.2021, the Deputy Director, Local Planning Authority prima facie found that the approval granted by the Director of Town and Country Planning vide approval No.903/2018 has been suspended and the copy of the same was also forwarded to the third respondent. Pursuant to the aforesaid aforesaid temporary suspension, dated 12.4.2021, the petitioner made representation through Power agent to the second and third respondent to stop the illegal construction of the 4th respondent. No action taken by the second or third respondent. Therefore, he filed the present writ petition before this Court due to inaction on the part of the respondents 2 and 3.

2. The learned counsel appearing for the 4th respondent would submit that the entire allegations of the petitioner is disputed and therefore, liberty may be granted to the 4th respondent to agitate the matter before the second respondent on the objection made by the petitioner and the 4th respondent shall also be permitted to place the materials before the second respondent.

3. The learned Government Advocate appearing for the official respondents would submit that the second respondent is the competent authority to consider the petitioner's objection and the same shall be duly considered by the authorities concerned in accordance with law.

4. Recording the aforesaid submissions made by the counsel for the parties, without expressing any opinion, this Court is inclined to direct the second respondent to consider the petitioner's objection, dated 22.4.2021 and pass appropriate orders on merit in accordance with law after providing opportunities to the 4th respondent as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of copy of this order. In view of the above, status quo



as on today will remain in force and the same shall be maintained by both the parties.

5. The writ petition stands disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Rural and Urban Development Department,
Fort St.George, Secretariat, Chennai 9.
2. The Director
Local planning Authority / District Collector,
Chengalpet Region,
Office of the District Collector, Chengalpet District.
3. The Special Officer/Block Development Officer,
Kattankulathur Panchayat Union,
Vandalur Taluk, Chengalpet District.

+1 CC to M/s.P.C.Harikumar & Associates, Advocate, Sr 32745.

+1 CC to The Government Pleader, Sr 32947.

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CP(CO)
LS(06/08/2021)