



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14949 of 2021

and

WMP No.15836 of 2021

R.Jayamani alias Jaya

..Petitioner

.Vs.

1. The Director
Directorate of Town and country planning
Opp.LIC chengalvarayan building Fourth
floor 807 Anna Salai,
Chennai-600002
2. The Deputy Director of Town
and Country Planning,
Chengalpattu Region,
No.1424 GST Road Periyar Shopping Complex
Chengalpattu-603001
3. Asst. Director
Directorate of Town and Country Planning,
Chengalpattu,
No.1424 GST Road,
Chengalpattu-603 001
4. The Block Development officer
Thaiyur Village Panchayat,
Kancheepuram District.
5. M/s.Palace Co-Operative Housing Society Ltd.,
Rep by its President No.29
Papanasam sivan Salai,
Mylapore, Chennai- 600 004.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondent authorities 1 to 4 from processing any application for approval of layout in respect of lands in Survey Nos.675/ 5, 684(0.88 cents),712/5(0.37 cents) 699/1 (0.07 cents) and 694 / 2A (0.03cents) totally measuring



Ac.01.35 cents covered in patta No.728 and 723 Thaiyur village Thiruporur Taluk Kancheepuram District and consequently direct the respondent authorities to act upon the representations dated 19.3.2021 8.4.2021 and 30.6.2021 submitted by the writ petitioner seeking rejection of layout proposal in the said lands.

For Petitioner : Mr.M.Sudhan
For Respondents : Mr.A.Selvendran
Government Advocate
for R 1 to R 3

Mr.U.Baranidharan
Government Advocate
R 4

Mr.Mohammed Sathik
Government Advocate
for R 5

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus forbearing the respondents 1 to 4 from processing the application submitted by the 5th respondent, seeking for the approval of layout in the subject property.

2.The case of the petitioner is that he has a share in the subject property and a suit has been filed in O.S.No.128 of 2021, on the file of the Principle District Judge, Chengalpattu, seeking for the relief of partition and for allotment of 1/12th share in the suit properties. It is further stated that in the very same suit, relief has also been sought for to declare the sale deed executed in favour of the 5th respondent as illegal and null and void. The grievance of the petitioner is that during the pendency of the suit, the 5th respondent has submitted an application seeking for approval to form a layout in the subject property and the same is pending before the 2nd respondent. The petitioner has given her objections and the same was not considered and hence the present writ petition has been filed seeking for appropriate directions.

3.The 2nd respondent has filed a counter affidavit in this case. It is stated in para 3 of the counter affidavit that the 5th respondent is the present owner of the subject properties by virtue of a registered Sale Deed dt.25.07.2019 and an application has been given seeking for approval to form a layout. It is also stated at para 5 of the counter affidavit that while processing the proposal and after getting the legal opinion, the Director of Town and Country Planning through



proceedings dt.26.03.2021, has issued technical clearance to the proposal. It is further stated that the Office of the Director of Town and Country Planning is awaiting for the clearance from the Mamallapuram Local Planning Authority and the planning permission is yet to be granted.

4.It is further stated at para 6 of the counter affidavit that objections have been received from the petitioner and pursuant to the same, explanation has been sought for from the 5th respondent and once the same is received, a decision will be taken on the objections submitted by the petitioner.

5.Heard Mr.M.Sudhan, learned counsel for the petitioner and Mr.A.Selvendran, learned Government Advocate for respondents 1 to 3, Mr. U. Baranidharan, learned Government Advocate for R 4 and Mr.Mohammed Sathik, learned Government Advocate, appearing on behalf of the 5th respondent.

6.In view of the specific stand taken by the 2nd respondent in the counter affidavit, there shall be a direction to the 5th respondent to submit its explanation before the 2nd respondent within a period of two weeks from the date of receipt of copy of this order. The 2nd respondent on receipt of the same shall consider the objections made by the petitioner and the explanation given by the 5th respondent and shall take a decision within a period of four weeks and thereafter convey the same to the petitioner.

7.The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

8.This writ petition is disposed of with the above above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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+1CC to Mr.A.Saravanan, Advocate, Sr.No.41820

W.P.No.14949 of 2021

PCH (CO)
CT (08.09.2021)