

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.03.2021

DELIVERED ON : 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.14928, 17212, 17215 and 11423 of 2020
and W.M.P.No.21263 of 2020

W.P.No.14928 of 2020

S.Lalitha

... Petitioner

vs.

1.The District Collector,
Chengalpet District.

2.The Deputy Director of Town & Country Planning,
Chengalpet Zone,
No.124, GST Road,
Chengalpet District.

3.The Commissioner/Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

4.The Assistant Director, Geology and Mining
Chengalpattu,
Chengalpattu District.

5.The Revenue Divisional Officer,
Madhurantagam,
Chengalpattu District.

6.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

7.C.Kandasamy

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of declaration to declare the order passed by the 1st respondent in the proceedings Na KA No 345/Q2/2019 dated 15.06.2020, as null and void and consequently declare the lease deed dated 15.06.2020,

registered as document no.1690/2020 in the office of the Sub-Registrar, Acharapakkam, executed by the 1st respondent as per the proceedings dated 15.6.2020 as null and void and direct the respondents not to permit the 7th respondent in any manner carrying on quarry operations in survey nos.162/1 and 163, Perambakkam Village, Cheyyur Taluk, Chengalpet District.

For Petitioner : Mr.A.Prabhakar Reddy,
for M/s.APR Associates

For Respondents: Mr.E.Manoharan, assisted by
Mr.Akhil Akbar Ali, Govt.
Advocate for R3 & R4

Mr.V.Shanmuga Sundar, for R1, R2, R5 & R6
Special Government Pleader

Mr.A.S.Baalaji for R7

W.P.Nos.17212 & 17215 of 2020

S.Lalitha ... Petitioner in W.P.Nos.17212 & 17215 of 2020

vs.

- 1.The Government of Tamilnadu,
Represented by its Secretary,
Housing & Urban Development, Chennai - 09.
- 2.The Commissioner/Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai - 600 032.
- 3.The District Collector,
Chengalpet District.
- 4.The Deputy Director of Town & Country Planning,
Chengalpet Zone,
No.124, GST Road,
Chengalpet District.
- 5.The Assistant Director, Geology and Mining
Chengalpattu,
Chengalpattu District.
- 6.Block Development Office,
Chithamur Block Development Office,
Chithamur Panchayat Union,
Chengalpet District.

7.The Special Officer,
Mazhuvankarai Panchayat,
Chithamur Panchayat Union,
Chengalpet District.

8.The Revenue Divisional Officer,
Maduranthagam Taluk,

9.The Tahsildar,
Cheyyur Taluk,
Chengalpet District.

10.C.Kandasamy ...Respondents in W.P.Nos.17212 & 17215 of 2020

Prayer in W.P.Nos.17212 & 17215 of 2020: Writ petitions filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus to call for the proceedings in Na Ka.No.6097/Minerals/2020 dated 19.09.2020 passed by the 5th respondent and quash the same and consequently direct the respondents to grant approval of the layout as applied by the petitioner on 06.01.2020 and to call for the proceedings in Na Ka. No.87/2020/Se.Ma3 dated 19.09.2020 passed by the 4th respondent, quash the same and consequently direct the respondents to grant approval of the layout as applied by the petitioner on 06.01.2020 respectively.

For Petitioner in
W.P.Nos.17212 & 17215 : Mr.A.Prabhakar Reddy,
for M/s.APR Associates

For Respondents in
W.P.Nos.17212 & 17215 : Mr.E.Manoharan, assisted by
Mr.Akhil Akbar Ali for R2 & R5
Government Advocate

Mr.V.Shanmuga Sundar, for R1, R3, R4,
R6 to R9
Special Government Pleader

Mr.A.S.Baalaji for R10

W.P.No.11423 of 2020

C.Kandasamy

...Petitioner

vs.

- 1.The District Collector,
Chengalpet District.
- 2.The Deputy Director of Town & Country Planning,
Chengalpet Zone,
No.124, GST Road,
Chengalpet District.
- 3.Block Development Officer,
Block Development Office,
Chitamur Village,
Cheyyur Taluk, Chengalpet District.
- 4.Tahsildar,
Tahsildar Office,
Cheyyur Taluk,
Chengalpet District.
- 5.Revenue Inspector,
Chithamur Union,
Cheyyur Taluk,
Chengalpet District.
- 6.Village Administrative Officer,
Perambakkam Village,
Cheyyur Taluk,
Chengalpet District.
- 7.S.Lalitha
- 8.The Commissioner/Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai - 600 032.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Madamus forbearing the respondents 1-6 from approving the layout formed by the 7th respondent and granting any planning permission to construct any building within 300 metres from the quarrying site situated in Perambakkam Village, Cheyyur Taluk, Chengalpet District, comprised in S.No.162/1 - 1.76.5 ares and S.No.163 - 1.43.0.ares without obtaining prior approval from the 7th respondent.

For Petitioner : Mr.A.S.Baalaji

For Respondents: Mr.E.Manoharan, assisted by
Mr.Akhil Akbar Ali, Govt. Advocate for R8

Mr.A.Prabhakar Reddy for R7
for M/s.APR Associates

Mr.V.Shanmuga Sundar, for R1 to R6
Special Government Pleader

C O M M O N O R D E R

The case on hand revolves upon the interpretation of Rule 36(1-A)(c) of the Tamil Nadu Minor Mineral Concession Rules, 1959 which reads as follows:

...

(c) No new layout, building plans falling within 300 meters from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be, of any quarry which is situated within 300 meters from the new layout, buildings sought for such clearance.

Explanation.-[For the purpose of sub-rules (1) and (1-A)] -

(i) "public road" shall mean a road which has been constructed by artificially surfaced as distinct from a track resulting from repeated use;

(ii) "village road" shall mean and include any track shown in the revenue record as village road;

[(ii-a) 'stone' shall mean rough stones including khandas, boulders, size-reduced (broken or crushed) materials including metal jelly, ballasts, mill stones, hand chakais and building and road construction stones other than black, red, pink, grey, green, white or other coloured or multicoloured granites or any other rocks suitable for use as ornamental and decorative stones];

[(iii) 'inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or lay-out area.]

(a) W.P.No.11423 of 2020 has been filed by Mr.C.Kandasamy for a Mandamus to forbear the official respondents from granting approval of the layout in favour of Mrs.S.Lalitha.

(b) W.P.No.14928 of 2020 has been filed by Mrs.S.Lalitha to declare the order dated 15.06.2020 granting quarry lease to Mr.C.Kandasamy as null and void and consequently cancel the lease deed dated 15.06.2020 granted in his favour.

(c)W.P.No.17212 of 2020 has been filed by Mrs.S.Lalitha to quash the order dated 19.09.2020 passed by the Assistant Director, Geology and Mining, Chengalpet cancelling the road pattern approval granted in her favour for the proposed layout.

(d)W.P.No.17215 of 2020 has been filed by Mrs.S.Lalitha to quash the order dated 19.09.2020 passed by the Deputy Director of Town and Country Planning, Chengalpet Zone cancelling the road pattern approval granted in her favour.

2.The case of Lalitha is that there were various house sites sold and purchased from the year 2009 onwards till date which formed part of KURINJI GARDENS layout which are inhabited sites within the meaning of explanation to Rule 36(1-A) (c) of the Tamil Nadu Minor Mineral Concession Rules, 1959 (hereinafter referred to as "TNMMCR").

3.According to Lalitha, the order passed by the District Collector on 15.06.2020 awarding quarry lease to Kandasamy and the lease deed executed on the same date in favour of Kandasamy by the District Collector has to be declared as null and void since there were house sites within the 300 meters radius from the quarry site even before the date of the grant of the quarry lease.

4.On the contrary, it is the contention of Kandasamy that he has been enjoying the quarry lease from the year 2005 onwards and according to him, there is no approved layout within 300 meters from the place of the subject quarry lease. Hence, according to him, the impugned orders cancelling the road pattern approval of the proposed Lalitha's layout by the Assistant Director, Geology and Mining, Chengalpet and by the Deputy Director of Town and Country Planning, Chengalpet Zone is in accordance with law.

5.Mr.Prabhakar Reddy, learned counsel for Lalitha drew the attention of this Court to the impugned order dated 15.06.2020 whereby the District Collector has granted quarry lease in favour of Kandasamy for a period of five years from 15.06.2020 to 14.06.2025 under TNMMCR, 1959. He would submit that the District Collector despite observing that in the North of Kandasamy's property there are house sites forming part of a layout has illegally granted quarry lease in favour of Kandasamy within 300 meters from the said house sites.

6.The learned counsel for Lalitha also drew the attention of this Court to the definition of "Inhabited site" as found in the explanation to Rule 36(1-A) (c) of the TNMMCR, 1959 and would submit that when there are house sites within 300 meters from the proposed quarry area, the District Collector ought not to have granted quarry lease in favour of Kandasamy under the impugned order dated 15.06.2020. According to him, the

explanation to Rule 36 (1-A) (c) does not stipulate that a layout must be an approved layout and according to him, Rule 36 (1-A) (c) is satisfied once there is a house site.

7. According to him, admittedly, even according to the District Collector, there are house sites within 300 meters from the proposed quarry lease area and therefore, according to the learned counsel for Lalitha, the impugned order dated 15.06.2020 passed by the District Collector granting quarry lease in favour of Kandasamy has to be declared as null and void.

8. The learned counsel for Lalitha then drew the attention of this Court to the regularization orders dated 07.01.2019 and 31.08.2020 passed by the Special Officer/ Block Development Officer, Perambakkam Panchayat in favour of S. Parthasarathy and T.R. Raviraj respectively. He also drew the attention of this Court to the details downloaded from the internet in respect of lands in Perambakkam Village. After referring to the above mentioned orders/document, he would submit that since there are approved house sites within 300 meters from the quarry lease area, the quarry lease granted in favour of Kandasamy is illegal and has to be quashed.

9. According to the learned counsel for Lalitha, the District Collector did not obtain any records or reports from the Local and Development Authorities for reasons best known to him and if that was obtained, the existence of house sites within 300 meters radius would have come to his knowledge and he would not have granted quarry lease in favour of Kandasamy.

10. The learned counsel for Lalitha also drew the attention of this Court to the Encumbrance Certificate for Perambakkam Village where the subject quarry is located and would submit that as seen from the Encumbrance Certificate, several plots have been sold in the year 2010 only as house sites and hence according to him, quarry lease is prohibited in the said area. Therefore, according to him, the Deputy Director of Town and Country Planning vide the impugned proceedings dated 19.09.2020 has also mechanically cancelled the road pattern approval for the layout granted in favour of Lalitha without adhering to the principles of natural justice.

11. The learned counsel for Lalitha also drew the attention of this Court to the definition of house sites as defined under the explanation to Section 23 of the Tamil Nadu Patta Passbook Act, 1983 and would submit that when the District Collector has observed that there are house sites which are meant for construction of buildings within the 300 meters radius, he ought not to have granted quarry lease in favour of Kandasamy.

12.The learned counsel for Lalitha then drew the attention of this Court to the following Authorities:

(a) A Single Bench decision of Madurai Bench of this Court in the case of S.Andiappan vs. District Collector, Pudukottai District, Pudukottai reported in 2010 SCC OnLine Mad 5325.

(b)A Division Bench judgment of the Madurai Bench of this Court in the case of St.Michael High School vs. District Collector, Nagercoil, Kanyakumari District and others reported in 2016-5-L.W.893.

Relying upon the aforesaid decisions, the learned counsel for Lalitha would submit that the District Collector has violated Rule 36(1-A)(c) of TNMMCR, 1959 by granting quarry lease in favour of Kandasamy.

13.Per contra, Mr.E.Manoharan, learned Special Government Pleader assisted by Mr.Akhil Akbar Ali, learned Government Advocate for the Commissioner/Director of Geology and Mining would submit that the quarry lease granted in favour of Kandasamy is in accordance with law. According to him, there was no approved layout within 300 meters radius and therefore, there is no prohibition for Geology and Mining Department to grant quarry lease in favour of Kandasamy.

14.In support of his submissions, he drew the attention of this Court to the following Authorities:

(a)A Single Bench decision of this Court dated 09.11.2020 passed in W.P.Nos.23248 of 2019 batch in the case of K.Rajkumar vs. Principal Secretary, Industries Department, Government of Tamil Nadu, Chennai and Others.

(b)A Single Bench decision of this Court dated 17.07.2019 passed in W.P.No.15414 of 2019 in the case of G.Sasikala vs. The District Collector, Coimbatore District, Coimbatore and Others.

(c)A Single Bench decision of this Court dated 21.04.2015 passed in W.P.No.6919 of 2015 in the case of M.Devaraj and Others vs. The District Collector, Tiruppur District, Tiruppur and others.

(d) A decision of the Hon'ble Supreme Court in the case of Kerala State Coastal Zone Management Authority vs. State of Kerala, Maradu Municipality and Others reported in (2019) 7 SCC 248.

(e)A Division Bench judgment of this Court dated 21.01.2019 in the case of P.S. Govindachari vs. The Member Secretary and other in W.P.No.23833 of 2014.

Relying upon the aforesaid decisions, the learned Special Government Pleader would submit that when there are no revenue records to show that there was an approved house site/layout within 300 meters when the quarry lease was granted to Kandasamy,

the said quarry lease cannot be cancelled under Rule 36(1-A) (a) of TNMMCR, 1959.

15. According to him, since the road pattern approval for the proposed layout was granted unilaterally in favour of Lalitha without consulting the Department of Geology and Mining in violation of Rule 36(1-A) (c) of TNMMCR, 1959, the cancellation of the road pattern under the impugned order has been passed only in accordance with law. According to the learned Special Government Pleader, when there is a quarry lease, the Town and Country Planning Authorities ought not to have granted road pattern approval to Lalitha for the lands which are situated within 300 meters from the quarry lease area. According to him, regularization of any house site or layout by the Town and Country Planning Act without approval of the Geology and Mining Department is illegal. He would further submit that the said regularizations assuming to be true have been admittedly obtained after the date of the quarry lease in favour of Kandasamy.

16. Per contra Mr. A.S. Baalaji, the learned counsel for Kandasamy in whose favour mining lease was granted would submit that Kandasamy has been periodically renewing his mining lease for long number of years. Further, he would submit that Lalitha cannot agitate the cause on behalf of a third party through a private litigation. According to him, Lalitha does not have locus standi to challenge the quarry lease granted to Kandasamy through a private litigation. According to him, the rejection of layout to be formed by Lalitha was a counter-blast to W.P.No.11423 of 2020 filed by Kandasamy seeking to forbear the appropriate respondents from approving the layout formed by Lalitha within the 300 meters radius from Kandasamy's quarry lease area.

17. The learned counsel for Kandasamy would reiterate the submissions made by the learned Special Government Pleader and would submit that no illegality has been committed by the Geology and Mining Department to grant quarry lease in favour of Kandasamy on 15.06.2020. He would further submit that Lalitha has produced the original copy of the regularization order along with the written arguments at Page No.17 which denotes the date of the regularization order as 07.01.2019 but the date mentioned below the signature of the Special Officer/Block Development Officer, Perambakkam Panchayat is 31.08.2020, so there is a serious discrepancy in the said document.

18. He also drew the attention of this Court to the case of K.Rajkumar vs. Principal Secretary, Industries Department, Government of Tamil Nadu, Chennai and Others relied upon by the learned Special Government Pleader and would submit that the said case is identical to the facts of the present case and therefore

Lalitha cannot seek for quashing of the quarry lease granted in favour of Kandasamy. According to him, the Revenue Divisional Officer, Madurantakam and the Tahsildar, Cheyyur vide their reports dated 19.08.2019 and 09.08.2019 respectively have specifically reported the absence of any approved layout within the 300 meters radius from the quarry site and therefore the Authorities have not erred in the grant of quarry lease to Kandasamy on 15.06.2020.

Discussion:

19. Section 36(1-A)(c) of TNMMCR, 1959 extracted in the opening paragraph of this judgment makes it clear that no new layout or building plan shall be approved by any agency if it falls within 300 meters from any quarry site unless prior clearance of the Director of Geology and Mining is obtained. The contention of Lalitha is that there are house sites within the 300 meters radius from the quarry site of Kandasamy and therefore the Department of Geology and Mining ought not to have granted quarry lease in his favour.

20. The learned counsel for Lalitha relied upon Rule 36(1-A)(a) of TNMMCR, 1959 and the definition of inhabited site in the explanation to Rule 36(1-A)(c) of the said Rules. Admittedly, no revenue records have been produced either by Lalitha or by the official respondents to show that there were house sites within the 300 meters radius from the quarry site of Kandasamy. Excepting for production of Encumbrance Certificate by Lalitha to show that there were house sites within 300 meters radius from the quarry site even in the year 2010, no other document has been produced to establish that the said lands were classified as house sites in the revenue records even prior to the execution of the quarry lease in favour of Kandasamy on 15.06.2020. Further, the Encumbrance Certificate produced by Lalitha does not reveal the distance between the quarry site and the subject lands found therein, though the name of the village namely Perambakkam Village is disclosed. Further, the Encumbrance Certificate is not a revenue record and it only reveals the encumbrance over the subject property. Inhabited site is defined under the explanation to Rule 36(1-A)(c) of TNMMCR, 1959 as follows:

...[(iii)] 'inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or lay-out are.]

As seen from the definition, it is clear that in the revenue records, the subject property must be classified as a house site and only then the restriction imposed under Rule 36 (1-A)(a) for the grant of quarry lease shall apply.

21. In the case on hand, as observed earlier no revenue records have been produced by either of the parties to prove that the house sites referred to in the impugned order have been classified as "house sites" in the revenue records. Only as a passing reference by the District Collector in the impugned order, he has referred to certain house sites while rejecting Lalitha's application for cancellation of the quarry lease granted in favour of Kandasamy. For the purpose of prohibiting any quarry lease from being granted under Rule 36(1-A)(a) of TNMMCR, 1959, the house sites must be an approved house site as Rule 36(1-A)(c) read with the definition of inhabited site contained in the said Rule makes it clear that no new layout or building plan falling within 300 meters from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. The definition of house site under the explanation to Section 23 of the Tamil Nadu Patta Passbook Act, 1983 which was relied upon by the learned counsel appearing for Lalitha has no bearing for the facts of the instant case.

22. TNMMCR, 1959 has been specially framed in exercise of the powers conferred under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 to regulate the grant of quarrying permits. These are special rules framed to protect the ecological balance under a special enactment namely the Mines and Minerals (Development and Regulation) Act, 1957 to regulate mining. The Tamil Nadu Patta Passbook Act, 1983 which is a general enactment dealing with grant and cancellation of pattas cannot be applied for the purpose of defining a "house site". When Rule 36(1-A)(c) of TNMMCR, 1959 which has been formulated under a special enactment makes it clear that a layout cannot be approved without prior clearance of the Director of Geology and Mining when a quarry is situated within 300 meters from the proposed layout, the definition of a house site under the Tamil Nadu Patta Passbook Act, 1983 cannot be applied. As observed earlier, inhabited site has been defined under the explanation to Rule 36(1-A)(c) of TNMMCR, 1959 to include only house sites which are classified as house sites in the revenue records. Therefore, the contention of the learned counsel for Lalitha that the definition of house site found in Tamil Nadu Patta Passbook Act, 1983 has to be applied is rejected by this Court. When the special law makes it very clear that no layout or building plan can be approved when there is a quarry, the said law will apply overriding all other laws including the Tamil Nadu Patta Passbook Act, 1983.

23. The regularization orders dated 07.01.2019 and 31.08.2020 in favour of S. Parthasarathy and T.R. Raviraj respectively for their respective plots at Perambakkam Village have been passed

subsequent to the quarry lease granted in favour of Kandasamy on 15.06.2020. The regularization of the plots in favour of the above mentioned persons at Perambakkam Village under the new regularization rules has no bearing for the facts of the instant case. Under both the regularization orders referred to supra passed by the Special Officer/Block Development Officer, Perambakkam Panchayat, there is no reference to the distance between Kandasamy's quarry site and the subject plots. It is also not known whether the said plots fall within 300 meters from the quarry site of Kandasamy.

24.Lalitha has applied for layout approval under the Tamil Nadu Town and Country Planning Act, 1971 and not for individual plot regularization under the Regularization Rules, 2017. When Lalitha has applied for layout approval under the Tamil Nadu Town and Country Planning Act, 1971, she has necessarily to comply with the requirements as prescribed under the Rule 36(1-A)(c) of TNMMCR, 1959 referred to supra which prohibits approval of any layout unless prior clearance of the Director of Geology and Mining is obtained when the said layout falls within 300 meters radius from the quarry site.

25.Admittedly, the road pattern approval was granted under the Tamil Nadu Town and Country Planning Act, 1971 by the Authority concerned in favour of Lalitha without getting the approval of the Director of Geology and Mining when there is a quarry site within 300 meters radius from the proposed layout. Further, only road pattern approval was issued and it is not a final approval of the layout under the Tamil Nadu Town and Country Planning Act, 1971.

26.Admittedly, the said road pattern approval was granted without obtaining prior approval from the Department of Geology and Mining which is mandatory in view of the presence of a quarry site within 300 meters from the layout for which approval is sought. The registration of gift deeds for the road by Lalitha in favour of the Local Authority has no bearing as admittedly Lalitha has not satisfied the mandatory requirements of Rule 36 (1-A)(c) of TNMMCR, 1959. Lalitha will have to necessarily comply with the said requirements. Having not satisfied the same, the Authorities have rightly rejected the layout approval sought for by Lalitha. Further, Kandasamy in his pleadings before this Court has contended that he has been enjoying the quarry lease for several years and the latest lease was granted on 15.06.2020 which expires only on 14.06.2025. No documents have been produced before this Court by either of the parties that Kandasamy was not previously having a quarry lease for the same property. All the official respondents have also taken a consistent stand that the quarry lease granted in favour of Kandasamy has been granted only in accordance with law.

27.The judgments relied upon by the learned counsel for Lalitha in the case of S.Andiappan vs. District Collector, Pudukottai District, Pudukottai reported in 2010 SCC OnLine Mad 5325 and a Division Bench judgment of the Madurai Bench of this Court in the case of St.Michael High School vs. District Collector, Nagercoil, Kanyakumari District and others reported in 2016-5-L.W.893 has no bearing for the facts of the instant case as the Authorities have rightly rejected the layout approval sought for by Lalitha by applying Rule 36 (1-A)(a) and (c) of TNMMCR, 1959. In the decisions relied upon by the learned counsel, there was undisputed evidence to show that as per revenue records the existence of buildings and house sites, whereas in the case on hand, no revenue records have been produced to show that there are approved house sites/approved layout within 300 meters from the place of the quarry lease and the official respondents have also stated that the quarry lease granted to Kandasamy is only in accordance with law.

28.In a recent decision rendered by a learned Single Judge of this Court on 09.11.2020 in W.P.No.23248 of 2019 in the case of K.Rajkumar vs. Principal Secretary, Industries Department, Government of Tamil Nadu, Chennai and Others relied upon by the learned Special Government Pleader, it has been made clear that even if layout has already been approved despite the fact that there is a quarry site within 300 meters radius, the approval of the layout was directed to be cancelled by the Court.

29.In the aforesaid decision, the land owner was in a better position as his layout was already approved but even then, a learned Single Judge of this Court held that the approval granted to the layout will have to be cancelled due to the violation of Rule 36(1-A)(c) of TNMMCR, 1959. In the case on hand, no layout approval has been granted and therefore, Lalitha stands on a much weaker wicket and therefore, this Court is of the considered view that there is no merit in the relief sought for by her in W.P.Nos.14928, 17212 and 17215 of 2020.

30.The other decisions relied upon by the learned Special Government Pleader namely G.Sasikala vs. The District Collector, Coimbatore District, Coimbatore and Others and M.Devaraj and Others vs. The District Collector, Tiruppur District, Tiruppur and others also supports the case of Kandasamy.

31.In the result, W.P.Nos.14928, 17212 and 17215 of 2020 filed by Lalitha are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

32.Since writ petitions filed by Lalitha have been dismissed, there is no necessity for this Court to adjudicate W.P.No.11423 of 2020 filed by Kandasamy as the apprehensions of

Kandasamy are no more relevant now. Accordingly, the same is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pam

To

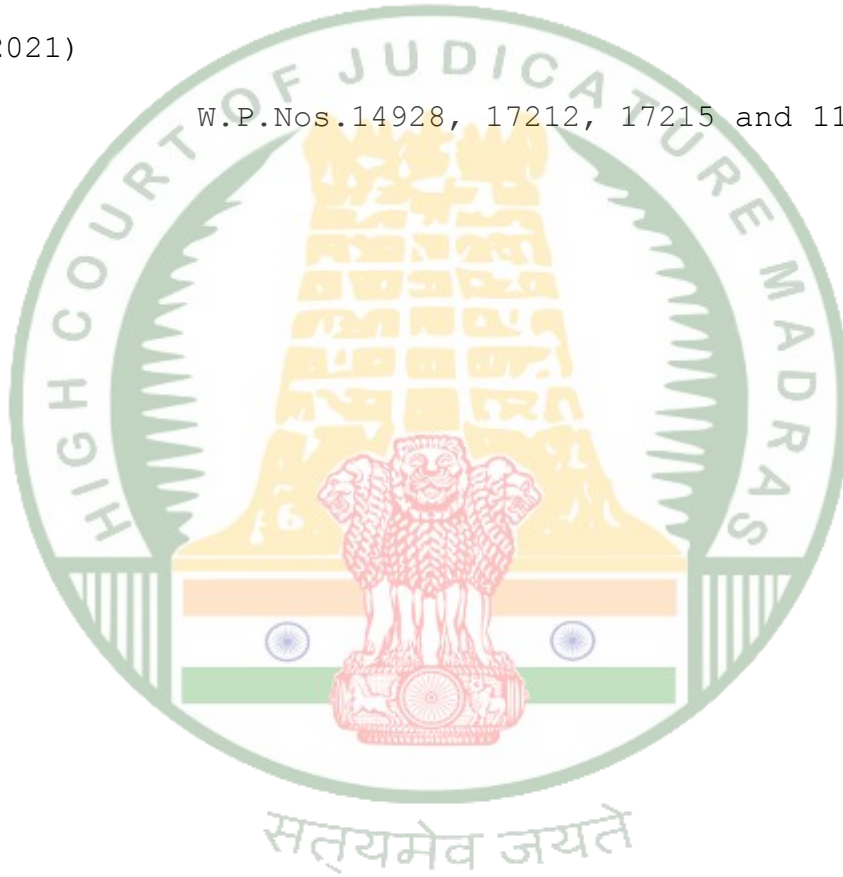
- 1.The Secretary,
Government of Tamil Nadu,
Housing & Urban Development, Chennai- 09.
- 2.The District Collector,
Chengalpet District.
- 3.The Deputy Director of Town & Country Planning,
Chengalpet Zone,
No.124, GST Road,
Chengalpet District.
- 4.The Commissioner/Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai - 600 032.
- 5.The Assistant Director, Geology and Mining
Chengalpattu,
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- 6.The Revenue Divisional Officer,
Madhurantagam,
Chengalpattu District.
- 7.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.
- 8.Block Development Office,
Chithamur Block Development Office,
Chithamur Panchayat Union,
Chengalpet District.
- 9.The Special Officer,
Mazhuvankarai Panchayat,
Chithamur Panchayat Union,
Chengalpet District.

10.Revenue Inspector,
Chithamur Union,
Cheyyur Taluk,
Chengalpet District.

11.Village Administrative Officer,
Perambakkam Village,
Cheyyur Taluk,
Chengalpet District.

SKY(CO)
CB(09/04/2021)

W.P.Nos.14928, 17212, 17215 and 11423 of 2020



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