



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.17015 OF 2021

S.Seenuvasan

... Petitioner

-Vs-

1.The Assistant Director of
Town and Country Planning Villupuram Region
TADCO Building G. H. Road Villupuram.

2.The Municipal Commissioner
Tindivanam Municipality Tindivanam - 604001 ...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioners representation dated 01.07.2021 to raise demand to collect regularisation and development charges for which in principle approval granted by the 1st respondent by his proceedings in Na. Ka. No. 2845 / 2019 VM Dated 26.05.2020 to the petitioners layout Velan Nagar Extension within the time stipulated by this Honourable Court.

For Petitioner :Mr.A.Swaminathan

For Respondents:Mr.U.Baranidharan, Government
Advocate - for R1
Mr.P.Srinivas, Standing Counsel - for R2

O R D E R

This writ petition has been filed for a Writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 01.07.2021 and to raise the demand and collect the regularisation and development charges based on the in-principle approval granted by the first respondent through proceedings dated 26.05.2020.

2. The case of the petitioner is that, he has formed a layout and he submitted an on-line application dated 09.08.2018 before the first respondent seeking for regularisation of the layout. The first respondent, on scrutinizing the relevant



records and after verifying the layout drawings, directed the petitioner to execute a gift deed by gifting the property earmarked for common facilities. Accordingly, the petitioner also executed a gift deed dated 23.03.2020 and the same was also registered as Document No.531 of 2020. The property that was gifted was earmarked for the road and park in the layout.

3. The first respondent thereafter granted an in-principle approval through proceedings dated 26.05.2020 and the records were forwarded to the second respondent in order to enable the second respondent to raise the demand and collect the regularisation charges and development charges.

4. The grievance of the petitioner is that, the file is pending before the second respondent without any progress and left with no other option, the present writ petition has been filed before this Court seeking for appropriate direction.

5. When the matter came up for admission on 13.08.2021, it was informed to this Court that the second respondent is not moving forward due to the objections given by two persons viz., Parthasarathy and Jeyakumar. This Court directed the counsel appearing on behalf of the respondents 1 and 2 to take appropriate instructions and report before this Court.

6. When the matter was taken up for hearing today, the learned Government Counsel appearing on behalf of the first respondent submitted the written instructions received from the first respondent along with layout approval. It is seen from the written instructions that, in-principle approval had been granted by the first respondent after considering all the relevant documents and after scrutinizing the layout drawings.

7. The learned Standing Counsel appearing on behalf of the second respondent that, the second respondent did not proceed further to collect the regularisation and development charges from the petitioner in view of the objections raised by one Parthasarathy and Jeyakumar. The learned counsel further submitted that these two persons have also filed a suit in O.S.No.60 of 2020 seeking for the relief of injunction not to use the public road in their layout and not to grant approval to the layout. The learned counsel submitted that, the civil Court has not passed any interim orders and if any directions are issued by this Court, the same will be complied with by the second respondent.

8. Taking into consideration the facts and circumstances of the case, and the submissions made on the side of the respondents, there shall be a direction to the second respondent to raise the demand for the regularisation and development



charges based on the in-principle approval granted by the first respondent through proceedings dated 26.05.2020. On the same being paid by the petitioner, the second respondent shall proceed to inform the same to the first respondent in order to enable the first respondent to give a formal approval. This process shall be completed by the respondents within a period of four weeks from the date of receipt of a copy of this order. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Assistant Director of
Town and Country Planning
Villupuram Region
TADCO Building G. H. Road
Villupuram.

2.The Municipal Commissioner
Tindivanam Municipality
Tindivanam - 604001.

+1cc to Mr.S.Madhar Khan, Advocate, S.R.No.41966

W.P.No.17015 of 2021

SSI (CO)
PM/13/09/2021