



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.23000 OF 2021

M.Mohammed Ishak
S/o.Sheik Abdulla

..Petitioner

Vs.

1. The Director,
O/o.The Directorate of Town and Country planning,
I, II and III Floor,
E & C Market Road,
Koyambedu,
Chennai - 600 107.

2. The Additional Director,
O/o.The Additional Directorate of Town and
Country Planning, Puthupalayam,
Cuddalore.

..Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to consider petitioner's application Nos.DTCP/L/1008053/2017 and DTCP/L/1007619/2017 dated 27.02.2021 as per the G.O.(ms).No.78 dated 04.05.2017 and grant DTCP approval in respect of the petitioner's land in 110/3, 2A, 5,6 111/1B,7A, 7B in udayarkudi village and 1/2A, 2B in Mannarkulakudi village totally admeasuring about 3.22 Acres/Cents at, kattumannarkoil Taluk, Cuddalore District.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.A.Selvendran
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the respondents to process the application submitted by the petitioner on 27.02.2021 in line with G.O.Ms.No.78 dated 04.05.2017 and to grant DTCP approval to the subject property.



2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. The case of the petitioner is that he is the owner of the subject property and it remained to be an approved lay out. The petitioner wanted to sell his property by dividing it into plots and accordingly, he submitted an application for DTCP approval in the prescribed format through application dated 27.02.2021. The further case of the petitioner is that he has also paid the necessary fees.

4. The grievance of the petitioner is that the applications are kept pending without any progress in spite of the petitioner explaining his position with regard to the availability of the public road. Hence left with no other option, the present writ petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that Clause 7(D) of the G.O.Ms.No.78 dated 04.05.2017 specifically deals with the requirement of the public road. The learned counsel submitted that the petitioner fulfills this criteria and in spite of the same, the respondents are not processing the application.

6. Taking into consideration the facts and circumstances of the case and after carefully considering the arguments made on either side, there shall be a direction to the second respondent to process the application dated 27.02.2021 in line with G.O.Ms.No.78, dated 04.05.2017 and pass necessary orders within a period of four weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

8. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

RR



To

1. The Director,
O/o.The Directorate of Town and Country planning,
I, II and III Floor,
E & C Market Road,
Koyambedu,
Chennai - 600 107.

2. The Additional Director,
O/o.The Additional Directorate of Town and
Country Planning, Puthupalayam,
Cuddalore.

+1cc to M/s.S.Kumara Devan, Advocate, S.R.No.54456

+1cc to the Special Government Pleader, S.R.No.55078

W.P.No.23000 of 2021

RP(CO)
RLP(28/10/2021)