



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 27082 of 2019

M.Shakila Banu

...Petitioner

Vs.

1. The Director
Town and Country Planning
No.807, Anna Salai
Chennai - 600 002.
2. The Deputy Director
Town and Country Planning
Coimbatore Region
Corporation Commercial Complex
Dr. Nanjappa Road
Coimbatore - 18.
3. The Assistant Director
Town and Country Planning
Tiruppur Region
Kumaran Commercial Complex
Tiruppur 641 601.
4. The Executive Office
Avinashi Town Panchayat
Avinashi, Tiruppur.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Second and Third Respondents to issue the necessary clarification sought for, by the Fourth Respondent by letter in Na.Ka. No. 1054/2018/E dated 4th December 2018, in accordance with the sketch approved by the First Respondent.

For Petitioner :	Mr. V.R.Thangavelu
For Respondents:	Mr. J.Ramesh (For R1 to R3)
	Additional Government Pleader
	Mr. B.Anand (For R4)
	Government Advocate

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the respondents 2 and 3 to issue necessary



clarification sought for by the fourth respondent by letter dated 04.12.2018, in accordance with the sketch approved by the first respondent.

2. According to the petitioner, she purchased a part of Plots bearing Nos.78 and 81 in J.J. Garden layout on valuable sale consideration through registered sale deed dated 06.07.2017 in Document No.4856 of 2017 on the file of SRO, Avinashi. Subsequently, she approached the second respondent seeking approval of her plots. By proceedings dated 03.07.2018, the second respondent sent a proposal to the fourth respondent to regularise the said plots, who in turn, by proceedings dated 09.07.2018, regularised the unapproved plots of the petitioner. Thereafter, the petitioner submitted an application on 22.11.2018 seeking building plan approval to the fourth respondent and also paid necessary charges for the same. However, by communication dated 04.12.2018, the fourth respondent sought clarification from the second respondent in connection with the positioning of the Scheme road in the sketches received from the respondents 1 and 2. However, till date, no clarification was issued by the second respondent. Finding no other alternative, the petitioner has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the positioning of the Scheme road has been differently placed from the approved sketch of the first respondent; and that, the clarification sought by the fourth respondent is only with respect to the plan connected to S.No.2696; and the said clarification, if issued, by the second respondent, in the light of the approval granted by the first respondent, would meet the ends of justice. Therefore, the learned counsel sought appropriate direction to the second respondent in this regard.

4. Heard the learned Additional Government Pleader appearing for the respondents 1 to 3, who submitted that the respondent authorities would look into the documents and furnish necessary clarification to the fourth respondent, as per law, within a reasonable time to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the communication of the fourth respondent dated 04.12.2018 and issue necessary clarification, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Director
Town and Country Planning
No.807, Anna Salai
Chennai - 600 002.
2. The Deputy Director
Town and Country Planning
Coimbatore Region
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4. The Executive Office
Avinashi Town Panchayat
Avinashi, Tiruppur.

+1cc to Mr.VR.Thangavelu, Advocate, S.R.No.26487

+1cc to the Government Pleader, S.R.No. 27056

W.P. No. 27082 of 2019

GPL(CO)
GN(20/07/2021)