



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2021

CORAM :

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7497 of 2013

and

M.P(MD) No.1 of 2013 & W.M.P(MD) No.5955 of 2021

M.R.Naganathan

...Petitioner

Vs.

1.The Assistant Director of Handlooms and Textiles,
Paramakudi ~ 623 707.

2.The Director of Handlooms and Textiles,
Kuralagam, 2nd floor,
Chennai ~ 600 108.

3.The Administrator
Logamaniya Thilagar Weavers Co~operative
Production and Sales Society Ltd., (N.N.134)
Paramakudi ~ 623 707.

4.Deputy Director Town and Country Planning,
Ramanathapuram ~ Pudukottai Zone,
Sivagangai.

5.The President,
Thellichatha Nallur Village Panchayat,
Paramakudi,
Ramanathapuram District.

... Respondents

5th respondent suo~motu impleaded as per order of this Court, dated 18.06.2021

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action in obtaining the revised plan after rectifying the deviation that has been made from the original approved plan (LP/R (RP) No. 92/81 issued by the 4th Respondent i.e., Deputy Director, Town and Country Planning, Ramanathapuram ~ Pudukottai Zone, Sivagangai and also in pursuance of the Letters/Circulars dated 15.06.2012 and 06.12.2012 issued by the respondents 1 and 2, respectively.



For Petitioner : Mr.D.Senthil
For R~1, R~2 & R~4 : Mr.S.Shanmugavel
Government Advocate (Civil)
For R~3 : Mr.D.Muruganantham

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ORDER

The President, Thellichatha Nallur Village Panchayat, Paramakudi, Ramanathapuram District, is suo~motu impleaded as the fifth respondent in this writ petition.

2.This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to obtain the revised plan issued by the fourth respondent and process the same as per the request made by the petitioner.

3.The case of the petitioner is that he is the member of the third respondent Society. The third respondent society proposed to construct group houses for its members and lands were acquired, in this regard. The society also obtained approved plan from the fourth respondent and subsequently, the approval was also granted by the Commissioner of Paramakudi Panchayat Union.

4.It is alleged that the third respondent society, ignored this approved plan and prepared a plan of its own and constructed houses and these houses were transferred to the members.

5.One such house was sold to the father of the petitioner through a registered sale deed, dated 01.06.2006, in Plot No. (*) 74. The petitioner later came to know that the third respondent society, had violated the approved plan issued by the fourth respondent. Therefore, steps were taken for obtaining a revised plan and it is stated that a resolution was also passed to that effect by the society in the Annual General Meeting held on 02.07.2008.

6.The grievance of the petitioner is that there was no follow up action on the part of the third respondent society and the revised plan was not submitted and left with no other option, the present writ petition has been filed before this court.

7.The learned counsel appearing on behalf of the third respondent society submitted that the revised plan has already been submitted before the impleaded fifth respondent and the fifth respondent, in turn, has to forward the same to the fourth respondent and the fourth respondent will have to approve the revised plan.

8.The learned counsel for the petitioner submitted that directions may be issued to the respondents 4 and 5, in this regard



and some time frame may be fixed for the completion of the process.

9. Taking into consideration the facts and circumstances of the case, there shall be a direction to the fifth respondent, to immediately process the application received from the third respondent society and forward the same to the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order. The fourth respondent on receipt of the same shall take a decision within a period of eight weeks, thereafter.

10. The petitioner is directed to make a fresh representation to the respondents 4 and 5 along with all the relevant documents and also a copy of this order.

11. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-

Assistant Registrar (CS-III)

(*) corrected vide order dated 27.07.2021 made in WP(MD) 7497/2013

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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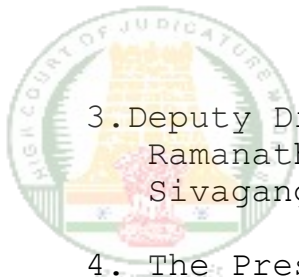
Note : In view of the present lock down owing to COVID~19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

(*) To be Substituted to the order already despatched on 06.07.2021

1. The Assistant Director of Handlooms and Textiles,
Paramakudi ~ 623 707.

2. The Director of Handlooms and Textiles,
Kuralagam, 2nd floor,
Chennai ~ 600 108.



3. Deputy Director Town and Country Planning,
Ramanathapuram ~ Pudukottai Zone,
Sivagangai.

4. The President
Thellichatha Nallur Village
Panchayat,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-19770[F] dated 21/06/2021)

W.P. (MD) .No.7497 of 2013
18.06.2021

LR (30.07.2021) 4P 6C