



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.2331 of 2021

Prasanna

...Petitioner

Vs.

1. The Director,
Town and Country Planning,
No.807, Anna Salai, Chennai-600 003.
2. The Commissioner,
Thiruchirappali City Corporation, Trichy.
3. The Member Secretary,
Trichy Town and Country Planning Authority,
Hajamalai, Trichy. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to convert the plot comprised in T.S.No.2485/2V and 2485/52, for an extent of 6310 Sq.Feet, situated at Municipal Ward No.C, Block No.50, Thimmarayasamuthiram Village, Srirengam Taluk, Trichy District, as residential Plot instead of Plot reserved for private nursery school, in the light of in circular of the Director Town and Country Planning in ROC No.2165/91-LA1, dated 25.06.1991 on the basis of the petitioner's representation dated 05.01.2021.

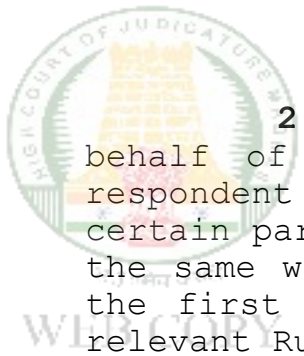
For Petitioner: Mr.T.Vadivelan

For R-1 & R-3 : Mr.P.Mahendran
Additional Government Pleader

For R-2 : Mr.Saji Bino

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 05.01.2021, wherein, the petitioner has sought for the conversion of the plot from a Primary Nursery School to a residential plot.



2. The learned Additional Government Pleader appearing on behalf of the respondent Nos.1 and 3 submitted that the third respondent has already issued a notice to the petitioner seeking for certain particulars and on receipt of those particulars / materials, the same will be forwarded to the first respondent and thereafter, the first respondent will take a decision in accordance with the relevant Rules.

3. The learned Standing counsel appearing on behalf of the second respondent submitted that the second respondent Corporation will come into the picture only after the necessary technical sanction and planning permission is granted by the first respondent. The learned counsel submitted that once the same is granted, the second respondent will act upon the same.

4. Taking into consideration the specific stand taken by the learned counsel appearing on behalf of the respondents, there shall be a direction to the petitioner to submit all the relevant documents / materials before the third respondent within a period of four weeks from the date of receipt of a copy of this order. The third respondent on receipt of the same and after being satisfied with all the materials which have been furnished, shall forward the records to the first respondent within a period of six (6) weeks thereafter. The first respondent on receipt of the records from the third respondent shall take a decision with regard to conversion of the plot, strictly in accordance with law, within a period of eight (8) weeks thereafter. Depending on the decision taken by the first respondent and on the technical sanction and planning approval being granted by the first respondent, the second respondent shall act upon the same.

5. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

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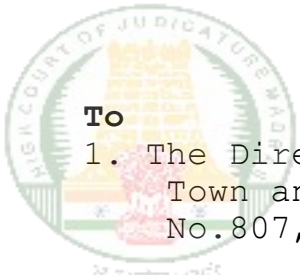
/ /2021

Sub Assistant Registrar (CS)

Tsg

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

1. The Director,
Town and Country Planning,
No.807, Anna Salai, Chennai-600 003.
2. The Commissioner,
Thiruchirappalli City Corporation, Trichy.
3. The Member Secretary,
Trichy Town and Country Planning Authority,
Hajamalai, Trichy.
Theni District.

+1 CC to M/s.M.SILAMBARASAN, Advocate (SR-16111[F] dated 16/04/2021
+1 CC to M/s.SPL GP (SR-16321[F] dated 17/04/2021)

Order made in
W.P. (MD) .No.2331 of 2021
Dated:
15.04.2021

RK (23.04.2021) 3P 6C