



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19085 of 2021

and

WMP(MD).No.15857 of 2021

WEB COPY

1. M.Shahul Hameed
2. A.Ashiq Ali
3. Syed Ali Fathima

... Petitioners

Vs.

1. The Director,
Directorate of Town and Country Planning,
2,3,4th floor, C&E Market Road,
Koyambedu, Chennai.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Madurai.
3. The Deputy Director,
Virudhunagar District Town and Country
Planning Office,
No.5/678, Nehru Veethi,
NGO colony,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to convert the land in old Survey No.165, Sammandapuram, Rajapalayam Taluk which was earmarked for community centre, for public purpose to that of housing unit by considering our representation dated 13.09.2021.

For Petitioners	: Mr.Samuel Gunasingh for Mr.Niresh Kumar.R
For Respondents	: Mr.P.Subbaraj, Counsel for the State for R1 & R3. Mr.Mahaboob Athiff for R2.

O R D E R

The petitioners seek a direction to the first respondent for conversion of the land in old Survey No.165, Sammandapuram, Rajapalayam Taluk, which was earmarked for a community centre, for



use as a housing unit.

2. The petitioners state that they purchased plots from one Mr.Mohammed Sarfuddin who had previously purchased plots from the Tamil Nadu Housing Board. The admitted position is that the area purchased by the petitioners is classified as a community centre in the layout of the Tamil Nadu Housing Board.

3. On the basis that there are many unsold units in the layout, which could be used as the community centre, the petitioners made a representation to the first respondent seeking permission for conversion. The present writ petition is filed in such facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 3 and Mr.Mahaboob Athiff, learned Standing Counsel, accepts notice on behalf of the second respondent. Mr.Athiff submits that there is no provision in the Tamil Nadu Town and Country Planning Act, 1971 for the modification of such layout. In addition, he submits that lands earmarked for a public purpose should not be converted to a different purpose at the instance of a person who purchased such property knowing it is intended for a community hall. The petitioners, on the other hand, submit that the power of granting permission for conversion is vested with the first respondent and that the relevant papers are now with the third respondent.

5. In the above facts and circumstances, without entering any findings on the merits of the matter, the first respondent is directed to consider the representation dated 13.09.2021 of the petitioners and pass a reasoned order thereon after eliciting the views of the Tamil Nadu Housing Board. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.19085 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD). No.15857 of 2021 is closed.

Sd/-

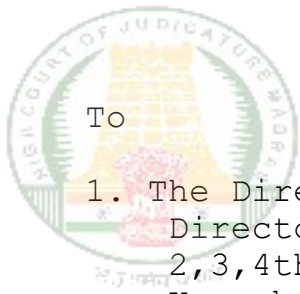
Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Director,
Directorate of Town and Country Planning,
2,3,4th floor, C&E Market Road,
Koyambedu, Chennai.

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+1 CC to M/s.SPL.GP (SR-33024[F] dated 28/10/2021)

W.P. (MD) No.19085 of 2021

27.10.2021

RD/PM (15.11.2021) 3P 5C