



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.20232 of 2021

and W.M.P. (MD) Nos.16901 and 16903 of 2021

K.Velu

... Petitioner

Vs.

1.The Regional Deputy Director,
Town & Country Planning,
Sivagangai.

2.A.Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of 1st respondent in Na.Ka.No.924/2018/CM-4, signed on 06.06.2018 and quash the same.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent No.1 : Mr.M.Sidharthan
Additional Government Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.924/2018/CM-4, signed on 06.06.2018 and quash the same.

2.Mr.M.Sidharthan, learned Additional Government Pleader, accepts notice on behalf of the first respondent. In view of the order, we proposed to pass in this Writ Petition, notice to second respondent is dispensed with.

3.By consent, this Writ Petition itself is taken up for final disposal at the time of admission.

4.The writ petitioner states that there is a suit in O.S.No.95 of 2008 on the file of the Subordinate Court, Sivagangai for partition of the suit properties against the defendants 1 to 12 therein. The suit is now pending before the Sub Court, Manamadurai



and re-numbered as O.S.No.40 of 2020. The writ petitioner is the 7th plaintiff in the suit. It is stated that the second respondent in the Writ Petition is claimed to have purchased a portion of the suit properties, which is subjudice in the suit, and developed it into a layout comprised of 48 housing plots. The second respondent has also been made as a party in the suit by impleading him. According to the writ petitioner, the lay out covers 1.96 $\frac{1}{4}$ acres of land, which is pending in the suit. In the event of preliminary decree being passed and third party interests are created, pursuant to the layout approval, it will be difficult even to make any allotment to the shareholders. Therefore, the said plan approval is challenged in this Writ Petition.

5.Though the impugned proceedings was issued on 06.06.2018, so far no sale deed has been executed. The writ petitioner has also sent a representation in this regard to the second respondent on 25.06.2021. A perusal of the records also reveals that the suit item No.1 is the survey number, for which the first respondent has given layout approval.

6.In the light of the above facts, without going into the merits of the claim made by the petitioner, we dispose of the Writ Petition, by directing the first respondent to consider the representation of the petitioner, dated 25.06.2021, after affording an opportunity of hearing to the petitioner, second respondent and others concerned and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Regional Deputy Director,
Town & Country Planning,
Sivagangai.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-35050[F] dated
18/11/2021)

+1 CC to M/s.SPL GP (SR-35327[F] dated 22/11/2021)

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18.11.2021

SRK(CO)
TR(09.12.2021) 3P 4C