



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.20210 of 2021

1.K.Varadharaj
2.V.Malar
3.K.A.Durairaj

... Petitioners

vs.

1.State of Tamil Nadu,
represented by its Secretary,
Department of Town and Country Planning,
St.George, Fort, Chennai.

2.The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.

3.The Deputy Director,
Town and Country Planning,
Godown Road, Khajamalai, Trichy.

4.The District Collector,
Collectorate Office, Trichy.

5.The Murugur Village Panchayat,
through its Special Officer/Block Development Officer,
Murugur Village, Thuraiyur Taluk, Trichy District.

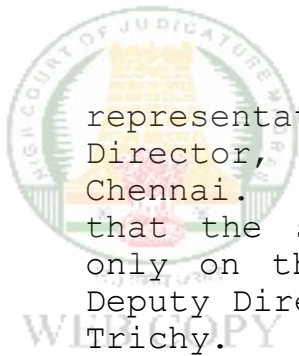
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner representation, dated 16.10.2021 and pass appropriate orders to grant new approval/modified approval for the layout in Survey Nos.403/2A, 2B, 2C, 402/2A, 2B, 2C, 2D and 423/2 and 3 in Govindarapuram Village, Murugur Majra, Thuraiyur Taluk, Trichy District, within a time stipulated by this Court.

For Petitioner	: Mr.D.Nallathambi
For R1 to R4	: Mr.D.Ghandiraj Special Government Pleader
For R5	: Mr.A.Selvaganesan Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking consideration of the representation, dated 16.10.2021, which
<https://hcservices.ecodrts.gov.in/hcservices/>



representation had been given primarily to the second respondent/the Director, Department of Town and Country Planning, Anna Salai, Chennai. It is stated by the learned Counsel for the petitioner that the second respondent would examine the said representation only on the basis of recommendations of the third respondent/the Deputy Director, Town and Country Planning, Godown Road, Khajamalai, Trichy.

2. Heard Mr.D.Nallathambi, learned Counsel for the petitioner, D.Ghandiraj, learned Special Government Pleader for R1 to R4 and Mr.A.S.Selvaganesan, learned Additional Government Pleader for R5.

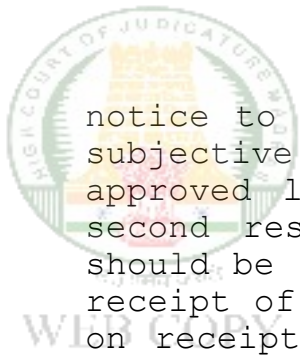
3. The entire issue surrounds grant of new approval/modified approval for the proposed layout in Survey Nos.403/2A, 2B, 2C, 402/2A, 2B, 2C, 2D and 423/2 and 3 in Govindarapuram Village, Murugur Majra, Thuraiyur Taluk, Trichy District. All the Writ Petitioners had jointly developed the aforesaid lands and during the course of such development, owing the rules and regulations which prevailed, had also gifted a parcel of the land for construction purpose. The land so gifted is specifically used either for putting up a park for common usage for those who enjoyed the benefit of the lay out or even for putting up a common road.

4. However, disputes had arisen among the three petitioners that led to a flurry of Writ Petitions being filed, namely, W.P.(MD) Nos.24159 of 2016, 17740 of 2016, 8661 of 2017, 25388 of 2019, 21952 of 2019 and 11539 of 2021.

5. Subsequently, a compromise had taken place owing to the prevalence of sense and sensibility and this led the Writ Petitioners to withdraw all the aforesaid Writ Petitions. What remains is the present Writ Petition, which can be termed as a consolidated Writ Petition. After resolving the issues among themselves, a representation had been forwarded to the second respondent, who should pass orders on the recommendations forwarded by the third respondent. This present Writ Petition has been filed in the nature of Mandamus seeking such direction.

6. The petitioners have stated that the Panchayat public road in S.Nos.403/2A2 and 403/2D is the only road available for the school, namely, Sri Balaji Vidyalaya Matriculation School and it is also stated that if that particular road is not made available, then the students, parents and staff and everybody else, who seek access of the road to the particular School would be put to much difficulty. It is under these circumstances that a fresh proposal had been given by the petitioners herein and they now seek examination of the same by the second respondent.

7. A mandamus is issued, particularly, to the second respondent, to get necessary opinion/report from the third respondent. Before the third respondent issues the said report, the third respondent may also issue



notice to the three petitioners, examine the records and come to a subjective satisfaction about the necessity or otherwise of the approved lay out now projected and then forward a report to the second respondent. The entire exercise by the third respondent should be completed within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the second respondent on receipt of entire records, should pass further orders within a period of four further weeks.

8. With the said observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Secretary, State of Tamil Nadu,
Department of Town and Country Planning,
St. George, Fort, Chennai.

2. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.

3. The Deputy Director, Town and Country Planning,
Godown Road, Khajamalai, Trichy.

4. The District Collector, Collectorate Office, Trichy.

5. The Special Officer/Block Development Officer,
The Murugur Village Panchayat,
Murugur Village, Thuraiyur Taluk, Trichy District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-37852[F] dated 08/12/2021)
+1 CC to M/s.SPL GP (SR-37764[F] dated 08/12/2021)

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SS(CO)
SB(21/12/2021) 3P 8C