



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.16217 of 2013

and

M.P.No.1 of 2013

1.A.Ayyanarappan
2.A.Ravichandran
3.VR.Govindarasan
4.P.Vadivel

... Petitioners

Vs

1. The Director of Town and Country Planning
No.807, Anna Salai, Opposite : LIC Building,
Chennai - 2.

2. The Deputy Director of Town and Country Planning,
(Special), No.234, Diwan Bagadthur Salai, R.S.Puram,
Coimbatore -2
now functioning at
Deputy Director of Town and Country Planning,
Salem Region, No.6, Sannathi Street,
Subramania Nagar, Subramangalam,
Salem -5.

3. The Commissioner,
Erode Corporation,
Brough Road, Erode-1.

4.C.S.Arumugam
5.C.S.Selvaraj

[R4 & R5 - Impleaded as per order dated 21.06.2013
in M.P.No.2 of 2013 in W.P.No.16217 of 2013] ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Pa.Mu. No.6140/79 Ko.Ni.Ma.4, dated 24.07.1979 and quash the same in so far relates to the petitioners house sites and consequently direct the 2nd respondent to delete the petitioners house sites from the layout approval L.P.R.(CN) No.221/1979 dated 24.07.1979.



WEB COPY

For Petitioners : Mr.C.Prakasam
For R1 & R2 : Mr.C.Jayaprakash
Government Advocate
For R3 : No Appearance
For R4 & R5 : Mr.V.Lakshminarayanan

O R D E R

The petitioners have sought a quash of proceedings of R-2, i.e. Deputy Director of the Town and Country Planning, bearing No.Pa.Mu.No.6140/79.KO.Ni.Ma.4 dated 24.07.1979, and a consequential direction for deletion of house sites from layout approval, as they claim that the property belongs to them. They also claims to have obtained planning permit in this connection.

2. This Writ Petition suffers from laches, seeing as the layout permission had been granted as early as on 24.07.1979. The petitioners, as per the averments contained in the affidavit filed in support of the writ petition, are adjacent landowners, and there is thus nothing that prevented them from approaching this Court well in time and not after a gap of twenty four years.

3. The entirety of the layout has been conceived and constructed, and third party rights in the intervening period. That apart, the petitioners claim that their house sites have been included as layouts and a disputed fact of this nature cannot be determined by this Court, under Article 226 of the Constitution of India.

4. This Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jeni/sd

To

1. The Director of Town and Country Planning
No.807, Anna Salai, Opposite : LIC Building,
Chennai - 2.



2. The Deputy Director of Town and Country Planning,
(Special), No.234, Diwan Bagadhur Salai, R.S.Puram,
Coimbatore -2
now functioning at
Deputy Director of Town and Country Planning,
Salem Region, No.6, Sannathi Street,
Subramania Nagar, Subramangalam,
Salem -5.

3. The Commissioner,
Erode Corporation,
Brough Road, Erode-1.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.24194
+1cc to Mr.C.Prakasam, Advocate, S.R.No.24461
+1cc to the Government Pleader, S.R.No.24572

W.P.No.16217 of 2013

MT(CO)
CT 28/04/2022