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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.4038 OF 2022

S.P.Kulandaivel

... Petitioner

.Vs.

1. The Director,
Town and Country Planning,
E & C, Market Road,
Koyambedu, Chennai.
2. The Deputy Director,
Town and Country Planning,
Kumaran Shopping Complex,
1st Floor, Corporation Building,
Near Railway Station, Tiruppur.
3. The District Collector,
Tiruppur, Tiruppur District.
4. The Executive Officer,
Jothampatti Village Panchayat,
Panchayat Office Road,
Tiruppur District.
5. P.Balasubramaniam
6. S.N.Gunasekaran
7. B.Sarojini
8. S.Mehala
9. B.Malarvili
10. A.Manikandan
11. P.A.Kandhavel
12. S.Kuppusamy Gounder
13. A.S.Narayanan

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first to fourth respondents to consider the petitioner's representation / objection dated 11.12.2021 to not to convert the reserved site into house sites or any other purpose in respect of Layout Approval Plan bearing No.Ma.Va./Na.Uu.E.No.258/2004 and to take an appropriate action as against the fifth to thirteenth respondents.

For Petitioner : Mr.K.Myilsamy

For R1 to R4 : Mr.B.Tamilnidhi
Additional Government Pleader

For R5 : Mr.G.Karthikeyan

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the first to fourth respondents to consider the petitioner's representation/objection dated 11.12.2021 to not to convert the reserved site into house sites or any other purpose in respect of Layout Approval Plan bearing No.Ma.Va./Na.Uu.E.No.258/2004 and to take an appropriate action as against the fifth to thirteenth respondents.

2. It is submitted the fifth respondent promoter of the layout sold the area reserved for primary school. However, some of the sale deed executed have been cancelled. The case of the petitioner appears that there cannot be any conversion.

3. Opposing the prayer, the learned counsel for the fifth respondent submits that this Writ Petition has become infructuous even on the date when it was filed inasmuch as the approval was granted by the first respondent on 26.02.2021. It is further submitted that there is no impediment for converting the land into house sites as the land was not gifted to the local body under the Gift Deed dated 14.12.2004 vide Document No.2511/2004.

4. It is further submitted that the Secretary, Housing and Urban Development Department, in his Letter dated 29.06.2015 bearing reference No.10972/UD4-3/2015-2 sent to the first respondent, has also clarified the position under what circumstances the land could be converted into house sites, pursuant to the order of this Court dated 12.04.2007 in W.A.Nos.156 of 2000 and 45 of 2003.



5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first to fourth respondents and the learned counsel for the fifth respondent. I have also perused the affidavit filed in support of the present Writ Petition and the counter affidavit filed by the fifth respondent.

6. The prayer in this Writ Petition for a direction to the first to fourth respondent to consider the representation of petitioner dated 11.12.2021, cannot be considered at this distant point of time considering the fact that the approval has been granted on 26.02.2021 much prior to the petitioner's representation and that the approval has been granted in the light of guidelines and the Letter dated 29.06.2015 bearing reference No.10972/UD4-3/2015-2.

7. Under these circumstances, I am inclined to dismiss this Writ Petition as not maintainable at this distant point of time. However, liberty is given to the petitioner to challenge the approval and the Clarification in Letter dated 29.06.2015 bearing reference No.10972/UD4-3/2015-2 sent by the Secretary, Housing and Urban Development Department to the first respondent, in the manner known to law.

8. This Writ Petition stands dismissed with the above observations. No cost.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Town and Country Planning,
E & C, Market Road,
Koyambedu, Chennai.
2. The Deputy Director,
Town and Country Planning,
Kumaran Shopping Complex,
1st Floor, Corporation Building,
Near Railway Station,
Tiruppur.



3. The District Collector,
Tiruppur, Tiruppur District.

4. The Executive Officer,
Jothampatti Village Panchayat,
Panchayat Office Road,
Tiruppur District.

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+lcc to Mr.G.Karthikeyan, Advocate, S.R.No.35156
+lcc to Mr.K.Myilsamy, Advocate, S.R.No.35633
+lcc to the Government Pleader, S.R.No.36169

W.P.NO.4038 OF 2022

AD(CO)
PBS/23/06/2022