



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.5623 OF 2019

AND

W.M.P.NO.6403 OF 2019

E.Deivathal

...Petitioner

Vs.

- 1.The Director,
The Block Development Office,
No.1, Ganthi Irwin Road,
Thalamuthu Naratarajan House,
Egmore, Chennai - 600 008.
- 2.The Assistant Director,
The Block Development Office,
No.6, Sannathi Street,
Subramaniya Nagar,
Sooramangalam, Salem - 636 005.
- 3.Mohan
- 4.K.Manoharan
- 5.The Directorate of Town and Country Palnning,
Second, Third and Fourth Floor,
ERC Market Road,
Koyambedu, Chennai - 600 107.
- 6.The Deputy Director,
District Town and Country Planning Office,
Kumaran Commercial Complex,
First Floor, Tiruppur.

(R5, R6 Suo Motu impleaded vide
order dated 11.04.2022 made in
W.P.No.5623/2019 by ASMJ)

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent not to grant D.T.C.P approval to the 4th respondent, by considering the petitioner's representation dated 14.01.2019.



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For Petitioner : Mr.S.Saravanan
For Respondents : Mr.M.Shahjahan
Special Government Pleader
for R1, 2, 5 & 6
Mr.Gurudhananjay
for R3 & 4

ORDER

This writ petition has been filed for a writ of mandamus directing the 2nd respondent not to grant D.T.C.P approval to the 4th respondent.

2.The learned counsel for the 3rd and 4th respondents submits that approval was granted vide R.O.C.No.515/2019/SM 3 dated 25.06.2019.

3.The counter filed by the 6th respondent/Deputy Director, District Town and Country Planning Department confirms the same in para 7 of the counter which reads as under:-

7.It is also stated that the W.P.No.5623/2019 is not maintainable for the following reasons:-

(i)It is stated that the even before this respondent was made a party to the writ petition, Layout permission sought by the fourth respondent was processed and granted by the respondent vide ROC.No.515/2019/SM 3 dated 25.06.2019.

(ii)It is stated that the section 11 of Tamil Nadu Combined Development and Building Rules, 2019 makes it clear that issuance of permission will not confer right or title to the property in the dispute. Though the said Rules came into effect prior to issuance of planning permission the circular issued by the Director dated 04.07.2014, which clearly stipulates that grant of permission by this authority will not confer any right on title or ownership., thus this respondent had acted within the parameters of TN Town and Country Planning Act and the relevant circulars thereon.

(iii)It is stated that without prejudiced the above averments, this respondent respectfully state that the prayer sought for in writ petition is not maintainable as the petitioner cannot be permitted to prevent the respondent from discharging his statutory duty.



4. In view of the above, this writ petition is dismissed as infructuous and nothing survives for adjudication. The petitioner is at liberty to challenge the approval vide R.O.c.No.515/2019/SM 3 dated 25.06.2019, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The Director,
The Block Development Office,
No.1, Ganthi Irwin Road,
Thalamuthu Naratarajan House,
Egmore, Chennai - 600 008.
2. The Assistant Director,
The Block Development Office,
No.6, Sannathi Street,
Subramaniya Nagar,
Sooramangalam, Salem - 636 005.
3. The Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
ERC Market Road,
Koyambedu, Chennai - 600 107.
4. The Deputy Director,
District Town and Country Planning Office,
Kumaran Commercial Complex,
First Floor, Tiruppur.

+1cc to Mr.S.Saravanan, Advocate Sr.No.35573

+1cc to the Government Pleader Sr.No.36475

W.P.No.5623 of 2019
and
W.M.P.No.6403 of 2019

RLD(CO)
RVM(04/07/2022)