



WEB COPY



W.P.No.32610 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32610 of 2022

Mothees Baba @ Mothilal

...Petitioner

Vs.

1.The Director
Directorate of Town and Country Planning
2nd,3rd and 4th floor,
C&E Market road
Koyambedu,
Chennai-600 107

2.The Assistant Director of Town and Country Planning
District Town Planing Officer
No.56/A, TADCO complex
Government Hospital road
Villupuram
Villupuram District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 2nd respondent to grant approval for the lay out in the name of SUN CITY comprised in S.Nos.127/4,5,6A,6B,6C,7A,7B,7C,8,129/1A, 1B, 130/3A and 3B at Veerapandi Nagar, Veerapandi Village, Thirukovilur Talu, Villupuram District, considering the petitioner's application/representation dated 26.10.2022 in accordance with law at the earliest.



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For Petitioner : Mrs.Karthikaa Ashok

For Respondents : Mr.Karthick Jaganath,
Govt.Advocate

ORDER

Writ petition is filed seeking a direction to the 2nd respondent to grant approval for the lay out in the name of SUN CITY comprised in S.Nos.127/4,5,6A,6B,6C,7A,7B,7C,8,129/1A, 1B, 130/3A and 3B at Veerapandi Nagar, Veerapandi Village, Thirukovilur Talu, Villupuram District, considering the petitioner's application/representation dated 26.10.2022 in accordance with law at the earliest.

2. The contention of the petitioner is that though regularization is sought for in an earlier earlier occasion is not fructified, now he has moved a new application and the same may be considered.

3. Learned counsel appearing for the respondents would submit that they will consider as per law. It is relevant to note that in a previous occasion the petitioner moved before the Division Bench of this Court in W.P.No.22618 of 2022 for regularization. This Court in Paragraph 17 held as follows :



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“ 17. We strongly condemn the practice of the Government officials in extending the time frequently to benefit those who defaulted in making the application. In any case, it cannot be an endless extension. Therefore, if the petitioner failed to make application within time, rules 3 and 5 of the Rules of 2017 cannot be struck down only for his convenience, more so when the petitioner is said to have sold the plot even prior to 20.10.2016. Thus, it is for the purchaser to seek regularisation, and not for the petitioner.

4. In fact the Court has found the fault with Government in extending the time frequently to benefit those who default in making the application and ultimately held that it is for the purchaser to seek regularization and not for the petitioner. Now the respondents would submit that they would consider the application on merits.

5. As the Division Bench order reached finality the respondents shall see that the Division Bench judgment is not violated while considering the representation. With the above directions, the respondents are directed to consider the application within a period of two months from the date of receipt of a copy of this order.



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WEB COPY With the above direction, the Writ Petition is disposed of. No costs.

06.12.2022

kpr

To

1.The Director

Directorate of Town and Country Planning

2nd,3rd and 4th floor,

C&E Market road

Koyambedu,

Chennai-600 107

2.The Assistant Director of Town and Country Planning

District Town Planing Officer

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N. SATHISH KUMAR, J.

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