



WEB COPY



Writ Petition No.30942 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.30942 of 2019

S. Rukmani ... Petitioner

Vs

1. The Principal Secretary to Government
Commissioner of Town & Country Planning
807 Anna Salai
Chennai 2.
2. The Deputy Director of Town Planning
Directorate of Town Planning Office
Corporation Commercial Complex
Dr. Najappa Road
Coimbatore 18.
3. The Commissioner
Pollachi Municipality
Pollachi.
4. The Tahsildar
Pollachi.
5. Muthusamy @ Subramaniam
6. A. Durairaj
7. Gunasekar @ A. Sekar ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to consider the petitioner's representation dated 7/8/2019 and not to permit the lay out approval plan submitted by the respondents 5 to 7 forming the pathway in the poramboke land.

For Petitioner	...	Mr.S.Nagarajan
For respondents	...	Mr.N.Naveen Kumar Government Advocate for R.R.1, 2 and 4.
		Mr.B.Anand for R.3.
		Mr.S.Prasath for R.R.5 and 7.

ORDER

This writ petition has been filed to direct the second respondent to consider the petitioner's representation dated 7/8/2019 and not to permit the lay out approval plan submitted by the respondents 5 to 7 forming the pathway in the poramboke land.



2. The case of the petitioner is that there is no pathway to the petitioner's agricultural land except the common poramboke sarkar cart track pathway situated at T.S.No.17/1, 17/2 and 24. The officials of the Revenue Department sub-divided the land and allotted this common pathway to the adjacent agriculture land owners. This common pathway is survival for all the agricultural land owners. Hence the petitioner had submitted a representation to the respondents asking them not to grant planning approval/permission for the lay out. Since the same has not been considered so far, the petitioner has filed W.P.No.27616 of 2019. Vide, order, dated 18/9/2019, this Court had dismissed the writ petition with liberty to file a fresh writ petition impleading necessary parties. Hence, the instant writ petition.

3. Heard Mr.S.Nagarajan, learned counsel for the petitioner, Mr.N.Naveenkumar, learned Government Advocate for the respondents 1, 2 and 4, Mr.B.Anand, learned counsel for the third respondent and Mr.S.Prasath, learned counsel for the respondents 5 to 7.



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4. Considering the facts of the case, no purpose would be served in keeping the writ petition pending further. If at all the petitioner is aggrieved, for grant of approval, his remedy is not before this Court and his remedy lies elsewhere.

5. In the result, this writ petition is dismissed. No costs.

20/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

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4. The Tahsildar, Pollachi.

W.P.No.30942 of 2019