



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.814 of 2022

A.S.Jasutheen

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Town and Country Planning Department,
2nd to 4th Floor,
E & C Market Salai,
Koyambedu,
Chennai - 600 107.

2.The Deputy Director,
Directorate of Town and Country Planning Department,
Pudukkottai. ... Respondents

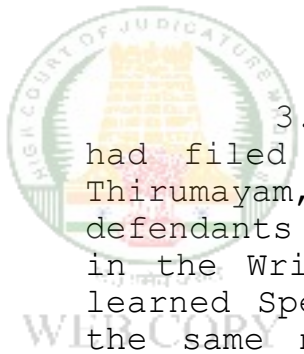
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 29.10.2021 in accordance with law within the time stipulated by this Court and thereby not to grant any layout approval in respect of S.Nos.361-1 and 361-2 situated at Thoothur Village, Ponnamaravathy Taluk, Pudukkottai District.

For Petitioner : Mr.P.R.Prithviraj
For Respondents : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

Heard Mr.P.R.Prithviraj, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice for the respondents.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents / the Director of Town and Country Planning, Town and Country Planning Department, Chennai and the Deputy Director, Directorate of Town and Country Planning Department, Pudukkottai, to consider a representation of the petitioner dated 29.10.2021 and not to grant any layout approval with respect to Survey Nos.361-1 and 361-2 at Thoothur Village, Ponnamaravathy Taluk, Pudukkottai District.



3. As against the second respondent herein, the petitioner had filed O.S.No.106 of 2020 before the District Munsif Court, Thirumayam, which suit is still pending. There are also four other defendants in the said suit who have not been added as respondents in the Writ Petition. It is also pointed out by Mr.D.Ghandiraj, learned Special Government Pleader, that the relief sought is also the same namely, that there should be no interference with the pathway of the plaintiff which would affect ingress and egress to the property of the plaintiff.

4. Learned counsel for the petitioner stated that the District Munsif Court had also granted an order of interim injunction and subsequent to the order of interim injunction, the petitioner had given a representation on 29.10.2021 to the second respondent.

5. The present Writ Petition has been filed seeking consideration of the said representation. This very relief can also be sought in the pending suit itself. The petitioner has the benefit of an order of interim injunction. If there is violation of any such order, then the petitioner can take necessary steps in manner known to law, but, filing a separate Writ Petition for the very same relief, for which the suit was instituted, cannot be appreciated.

6. Giving liberty to the petitioner to move necessary applications before the Civil Court where the suit is already pending, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

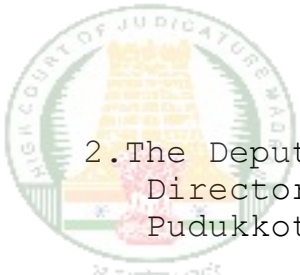
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Town and Country Planning,
Town and Country Planning Department,
2nd to 4th Floor,
E & C Market Salai, Koyambedu,

<https://hcservices.cempra.gov.in/hcservices/> 107.



2.The Deputy Director,
Directorate of Town and Country Planning Department,
Pudukkottai.

+1 CC to M/s.P.R.PRITHVIRAJ, Advocate (SR-2234[F] dated
24/01/2022)

+1 CC to M/s.SPL.GP (SR-2039[F] dated 21/01/2022)

W.P. (MD) .No.814 of 2022
20.01.2022

MGJ(03.02.2022) 3P 5C