



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3625 of 2022

1.M.Sankar
2.V.Shankar

...Petitioners

Vs.

1.The Director,
Directorate of Town & Country Planning,
C&E Market Road,
Koyembedu, Chennai - 600 107.

2.The Assistant Director and Member Secretary
Office of District Town & Country Planning,
No.5, 2nd Street, Ganapathy Nagar,
Thanjavur - 613 001.

3.The Block Development Officer (Village Panchayat),
Office of Panchayat Union,
Pazhavanthakkattalai,
Karaikal Road,
Kumbakonam,
Tanjore District.

4.The President,
Pazhavanthakkattalai Village Panchayat,
Karaikal Main Road,
Kumbakonam,
Tanjore District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to consider the online application submitted by the petitioners bearing No.202102301015620, dated 25.09.2021 and grant approval within a time period for development of the property comprised in Survey Nos.90/2, 95/2, 96/4, 95/3, 95/4, 95/5, 96/1 and 96/2 Pazhavanthakkattalai Village, Kumbakonam Taluk, Thanjavur District, in respect of which petitioners have already executed gift deed, dated 09.12.2021, bearing document Nos.6112 & 6113 of 2021 in the office of SRO Kumbakonam.

For Petitioners : Mr.V.Nandhakumar

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the online application submitted by the petitioners on 25.09.2021, seeking for layout approval, in respect of the properties comprised in Survey Nos. 90/2, 95/2, 96/4, 95/3, 95/4, 95/5, 96/1 and 96/2 Pazhavanthakkattalai Village, Kumbakonam Taluk, Thanjavur District.

2. It is the case of the petitioners that they are the joint owners of the aforementioned properties and they applied for layout approval. They have submitted an online application on 25.09.2021, for the said purpose. It is also the case of the petitioners that they have already executed a Gift Deed, on 09.12.2021 infavour of the fourth respondent for laying the road. Despite the same, the petitioners' application has not been considered till date. Hence, they have filed this Writ Petition.

3. Heard the learned counsel appearing for the petitioners. Mr. Saravanan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

4. No prejudice will be caused to the respondents if the petitioners' online application, seeking for layout approval, dated 25.09.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioners. The petitioners have also executed a Gift Deed infavour of the fourth respondent by a registered Gift Deed dated 09.12.2021, for the purpose of laying the road and for erection of electricity poles.

5. In view of the above, this Court directs the second respondent to consider the petitioners' online application, dated 25.09.2021, seeking for grant of layout approval for the properties comprised in Survey Nos. 90/2, 95/2, 96/4, 95/3, 95/4, 95/5, 96/1 and 96/2 Pazhavanthakkattalai Village, Kumbakonam Taluk, Thanjavur District and pass final orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioners.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vrn

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Director,
Directorate of Town & Country Planning,
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- 4.The President,
Pazhavanthankattalai Village Panchayat,
Karaikal Main Road,
Kumbakonam,
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+1 CC to M/s.SPL GP (SR-8980[F] dated 28/02/2022)

W.P. (MD)No.3625 of 2022
25.02.2022

MGJ(21.04.2022) 3P 6C