



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.8665 of 2022

K.Kaliammal

... Petitioner

Vs.

1.The District Collector,
Chairman Local Planning Authority,
Pudukottai District,
Pudukottai.

2.The Secretary,
Local Planning Authority,
Pudukottai District,
Pudukottai.

3.The Deputy Director of Town and Country Planning,
Local Planning Authority,
Pudukottai District, Pudukottai.

4.The Block Development Officer,
Parangipettai Block Panchayat Union,
Thirumayam Panchayat Union,
Pudukottai District.

5.The President,
Thulaiyanur Village Panchayat,
Thirumayam Taluk,
Pudukottai District.

6.P.Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to conduct the enquiry on the petitioner's complaint dated 26.11.2021 with regard to the unapproved layout promoted by the sixth respondent for violating the provisions of Section 49 of Tamil Nadu Town and Country Planning Act, 1971 and Rules.

For Petitioner	: Mr.Raja Karthikeyan
For R-1 to R-3	: Mrs.S.Jeyapriya Government Advocate
For R-4 & R-5	: Mr.D.Sasikumar Additional Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to pass final orders on the petitioner's complaint, dated 26.11.2021, with regard to the unapproved lay out promoted by the sixth respondent for violating the provisions of Section 49 of Tamil Nadu Town and Country Planning Act, 1971 and Rules, within a time frame to be fixed by this Court.

2.Heard Mr.Raja Karthikeyan, learned counsel appearing for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3 and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 4 and 5.

3.According to the petitioner, the sixth respondent has applied for lay out approval in respect of the property by violating the provisions of Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 and its Rules. According to the petitioner, he has already filed a civil suit against the 6th respondent, which is pending on the file of the District Munsif Court, Thirumayam in O.S.No.2 of 2022. According to the petitioner, based on a fraudulent document, the 6th respondent has applied for lay out approval. The contention of the petitioner is that the said fraudulent document has been challenged in this aforementioned civil suit.

4.No prejudice will be caused to the respondents, if the petitioner's complaint, dated 26.11.2021, referred to supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the 6th respondent and any other necessary party, whom the second respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's complaint, dated 26.11.2021, requesting the second respondent not to grant lay out approval in respect of the lands to be promoted by the 6th respondent on merits and in accordance with law, after affording a fair hearing to the petitioner and 6th respondent and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing, within a period of four months from the date of receipt of a copy of this order. Since the representation given by the petitioner is undated the petitioner is directed to submit a fresh representation to the third respondent and the third respondent shall pass final orders as stated supra, within the stipulated time as fixed by this Court.



6. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

TM

To

1. The District Collector,
Chairman Local Planning Authority,
Pudukottai District,
Pudukottai.
2. The Secretary,
Local Planning Authority,
Pudukottai District,
Pudukottai.
3. The Deputy Director of Town and Country Planning,
Local Planning Authority,
Pudukottai District, Pudukottai.
4. The Block Development Officer,
Parangipettai Block Panchayat Union,
Thirumayam Panchayat Union,
Pudukottai District.
5. The President,
Thulaiyanur Village Panchayat,
Thirumayam Taluk,
Pudukottai District.

COPY TO:

THE DISTRICT MUNSIF, THIRUMAYAM

+1 CC to M/s. RAJA. KARTHIKEYAN, Advocate (SR-22517[F]
dated 29/04/2022)

+1 CC to M/s. SPL.GP (SR-23432[F] dated 04/05/2022)

W.P. (MD) No. 8665 of 2022

29.04.2022

SS (CO)

GC (19.05.2022) 3P 9C