



WEB COPY



W.P.No.2696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.No.2696 of 2023  
and WMP. No.2800 of 2023

K.M.R.Rathinasamy

... Petitioner

Versus

1. The Deputy Director of Town and Country Planning,  
Opp ITI, Chennimalai Road Erode.

2. E.Thulasimani

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, by calling for a records relating to Na.Ka.No.497/2021, EMA-3, dated 15.07.2022 on the file of the first respondent herein and quash the same and consequently, direct the first respondent to grant permission as per the petitioner's application dated 06.05.2022.

For Petitioner

: Mr.T.Murugamanickam  
Senior Counsel  
For M/s.K.Ponmani

For Respondents

: Mr.K.M.D.Muhilan R1



W.P.No.2696 of 2023

**ORDER**

The writ petition has been filed challenging the impugned order rejecting the planning permission mainly on the ground that there is a civil suit pending in respect of 37 cents in same survey number.

2. It is the contention of the writ petitioner that he owned a land measuring an extent of 2.45 acres whereas the disputed area lies in the southern side and he is prepared to leave 37 cents and the respondents may consider issuing planning permission other than the disputed area.

3. The learned counsel for the respondent submitted that exactly where the 37 cents are situated is the issue and while considering the application, the same will be identified.

4. In this regard, the petitioner as well as the second respondent request for holding an enquiry. In such view of the matter, the respondents shall issue notice to the petitioner as well as the second respondent for conducting enquiry. On such enquiry, the disputed area may be identified as per the boundary set out in the suit in O.S.No.665/2021, on the file of the Subordinate Judge, Erode. After identifying the disputed area, the first respondent shall pass appropriate



W.P.No.2696 of 2023

orders on merits and in accordance with law.

WEB COPY

5. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

03.02.2023

rl

Index : Yes/No

To

The Deputy Director of Town and Country Planning,  
Opp ITI,  
Chennimalai Road Erode.



WEB COPY



W.P.No.2696 of 2023

**N. SATHISH KUMAR, J.**

rli

**W.P.No.2696 of 2023**

03.02.2023