



W.P.No.7113 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.7113 of 2020

C.Bakkiam

... Petitioner

Vs.

1.The Deputy Director,
Town Planning Officer,
Directorate of Town Planning Office,
Coimbatore.

2.The Commissioner,
Pollachi Municipality,
Pollachi-642 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 12.12.2019 and to return back regularization amount of Rs.57,600/- to her.

For Petitioner : Ms.Jepamary
for M/s.S.Nagarajan

For Respondents : Mr.U.Baranidharan
Additional Government Pleader [R1]
M/s.A.S.Thambuswamy [R2]



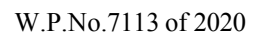
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ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 12.12.2019 and to return back regularization amount of Rs.57,600/- to him.

2. The case of the petitioner is that, the petitioner's son purchased a plot No.5, situated at T.S.No.76/1, Block No.5, Town Survey Ward No.4, Subbaiya Gounder Layout, Pollachi Town, Coimabtoe District measuring about 2000 sq.ft. on 08.02.2006. The said layout was approved by the Deputy Director of Town Planning officer vide proceedings dated 09.01.1963. While so, on 13.12.2007, petitioner's son settled the property in favour of the petitioner. Thereafter, the second respondent published a news in the year 2017 stating that they are regularizing the unapproved plot if the individual pays the regularization fees and the petitioner was at the impression that her plot was unapproved layout and in order to regularize her plot, the petitioner made the payment to the respondents to the tune of Rs.57,600/-. Thereafter, the



3. The learned counsel for the petitioner submits that, since the entire layout has been approved by the DTCP Commissioner of Town Planning Chennai, there is no need for regularizing the petitioner's plot by paying the regularization fees. Hence, the petitioner is entitled to seek refund of the said amount.

4. The learned counsel for the second respondent submits that the second respondent has followed the directions issued by the first respondent. He also submits that, since the petitioner's plot is situated in



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an unapproved layout, the second respondent has directed the petitioner to remit the necessary fees for regularization of plot. The application filed by the adjacent plot owner was returned, since the said layout was only technically sanctioned at that time. Hence, the amount paid by the petitioner for regularization of her plot could not be returned.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials on records.

6. The facts in the present case is not in dispute. Admittedly, the petitioner has paid the regularization fees on the ground that the petitioner's land is in unapproved layout and subsequently, she came to know that the layout was approved. The petitioner has not produced any document to show that the said layout was approved, however, only produced a letter dated 22.10.2018, in which, only technical layout approval was granted in T.S.No.76/6 to an extent of 4.15 acres, whereas the petitioner claims that she purchased property in Subbaiya Gounder Layout in T.S.No.76/1. Hence, the prayer sought by the petitioner is



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misconceived and the writ petition is liable to be dismissed.

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7. This writ petition stands dismissed accordingly. No Costs.

25.04.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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M.DHANDAPANI, J.

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