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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12956 of 2023

Karuppanna Gounder
Rep. by his General Power of Attorney
M.Jaganathan

Petitioner

vs.

1.State of Tamil Nadu,
Rep by its Additional Chief Secretary,
Department of Municipal Administration,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to consider the representation of the petitioner dated 23.02.2023 and to direct the respondents to take over the lands of the petitioner for public road and its other usage through Gift Deed for DTCP Approval for the property situated at SF No.314/3, Block No.16, T.S.No.20/4 which is an extent of 50 cents situated at Varathamapalayam Village, Sathyamangalam Taluk within time stipulated by this Court.

For Petitioner : Mr.Saravanakumar

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

**ORDER**

This petition has been filed for issue of writ of mandamus directing the 2nd respondent to act upon the representation made by the petitioner on 23.02.2023, wherein, the petitioner has requested the respondents to take over the lands which the petitioner is willing to convey through a Gift Deed for the purpose of getting the DTCP approval for the property situated at SF No.314/3, Block No.16, T.S.No.20/4 to an extent of 50 cents situated at Varathamapalyam Village, Sathyamangalam Taluk, Erode District.

2. When the matter was taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondents submitted that when the application given by the petitioner seeking for DTCP approval was under scrutiny, an objection was received from a private party claiming for right over the property. In view of the same, the 2nd respondent has called for a report from the Surveyor and after receiving the report and satisfying about the right of the petitioner over the subject property, further process will be undertaken for granting the approval for the concerned layout. The learned Additional Government Pleader therefore, sought for some time in this regard.

3. In the considered view of this Court, the petitioner has already approached the respondents seeking for approval for the subject property. For this purpose, the petitioner has also expressed his willingness to convey certain property through a



Gift Deed which forms part of the process of approval. The process has been stalled due to some objections given by a private party and the same is now being scrutinized by the 2nd respondent. In view of the same, there shall be a direction to the 2nd respondent to take a final decision on the application submitted by the petitioner seeking for approval and the request made by the petitioner through representation dated 23.02.2022, within a period of six weeks from the date of receipt of copy of this Order.

4.This writ petition is disposed of with the above directions. No Costs.

27.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The Additional Chief Secretary,
Department of Municipal Administration,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.



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N. ANAND VENKATESH, J.

SSR

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