



W.P.No.9330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9330 of 2023
and WMP No.9424 of 2023

M/s.VGN Homes Private Limited

Rep by its Director

B.R.Nandakumar

No.333, Poonamallee High Road

Aminjikarai, Chennai- 600 029.

... Petitioner

-Vs-

1. The Commissioner / Director

Directorate of Town and Country Planning

2nd and 4th Floor, C and E Market Road

Koyambedu, Chennai- 600 107.

2. The Assistant Director

Directorate of Town and Country Planning

No.124, GST Road

Municipal Commissioner Complex

Chengalpattu- 603 001.



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3. M/s.S.K.Castle Private Limited

Having Registered Office at Globus Towers
128-A Race Course Road
Coimabtoire-641 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 1st and 2nd Respondents to consider the Petitioner's objection dated 28.02.2023 in the light of the Rule No.47 of the Tamil Nadu Combined Development and Building Rules, 2019 before granting layout approval of the lands in Survey Nos.191/2, 191/3, 192/1, 192/2 etc. of Padur Village Tiruporur Taluk, Chengalpattu District in favour of the 3rd respondent.

For Petitioner Mr.R.Bharath Kumar

For Respondents Mr.C.Selvaraj
Additional Government Pleader
for R1, R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to consider the objection submitted by the petitioner on 28.02.2023 and to take a decision within the time limit stipulated by this Court.



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2.Heard Mr.R.Bharath Kumar, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader for respondents 1 and 2.

3.The case of the petitioner is that the petitioner is developing lands in Survey Nos.126/1A, 126/1B, 126/1C, 126/2, 126/3, 226/2B, 226/2C, 226/2D, 226/4B, 226/5, 228/1, 228/2, 228/3, 228/4, 228/5, 233/2, 233/3, 233/4 and 233/5 of Padur Village. The third respondent, who is also a developer is developing the lands in Survey Nos.190/2, 191/2, 191/3, 192/1, 192/2, 184/1B, 184/2, 184/3B and 193 ect., of Padur Village.

4.The grievance of the petitioner is that the third respondent has to provide for a direct access by way of public road in his layout. According to the petitioner, the third respondent did not provide for the access road to made adequate linkage to the existing road. Hence, the petitioner has alleged that the same is in violation of Rule 47 of the Tamil Nadu Combined Development and Rules, 2019. The petitioner made objections in this regard to the first and second respondents on 28.02.2023. Since the same was not considered, the present writ petition has been filed before this Court.



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5. In the considered view of this Court, the objection that has been given by the petitioner cannot be decided by this Court and it has to be necessarily decided only by the first respondent. The learned counsel for the petitioner submits that the third respondent is developing the property without providing for the direct access road to make adequate linkage to the existing road. On the other hand, the learned counsel for the third respondent submitted that the third respondent has provided for the linkage road and that is the reason why the third respondent has executed a gift deed in favour of the local authority in this regard.

6. This writ petition is disposed of with a direction to the first and second respondents, to deal with the objection submitted by the petitioner on 28.02.2023, on its own merits and in accordance with law. The first and second respondents shall afford an opportunity to the third respondent to submit his explanation along with the relevant records. On considering the claim made by both sides and on considering the document submitted, it is left open to the first and second respondents to take a decision on the objection submitted by the petitioner on 28.02.2023. This process shall be completed by the first and second respondents within a period of **four weeks** from the date of receipt of copy of this order.



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7.This writ petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

19.04.2023

KP

Internet : Yes/No
Index : Yes/No
Speaking Order:Yes/No
Neutral Citation :Yes/No

To

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N.ANAND VENKATESH, J.

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