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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12549 of 2023

M.Ananntharaman

Petitioner

vs.

1.The Director of Town and Country Planning,
Koyambedu,
Chennai – 600 107.

2.The Director,
District office of Town and Country Planning,
Cuddalore.

3.The President,
Vadakuthu Panchayat,
Kurinipadi Taluk,
Cuddalore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to direct the respondents 1 and 2 herein to consider the Representation of the Petitioner dated 19.09.2022 and 06.02.2023 and furnish the details sought for by the petitioner.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mr.S.Arumugam
Government Advocate for R1 and R2

Mr.D.Ravichandran for R3

**ORDER**

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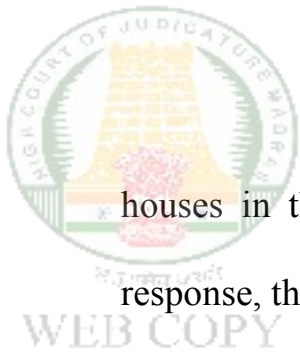
This writ petition has been filed for issue of writ of mandamus directing the 1st and 2nd respondents to consider the representations made by the petitioner on 19.09.2022 and 06.02.2023 and to furnish the details sought for by the petitioner.

2.Heard Mr.S.Janarthanam, learned counsel appearing on behalf of the petitioner, Mr.S.Arumugam, learned Government Advocate appearing on behalf of the respondents 1 and 2 and Mr.D.Ravichandran, learned counsel appearing on behalf of the 4th respondent.

3.The case of the petitioner is that the Town and Country Planning Authority sanctioned the layout approval bearing No.299/98 and the approval was given after earmarking a particular place for community hall, park and a playground. The approval was granted by the authority by earmarking an extent of 17,160 Sq. ft. towards construction of community hall.

4.The further case of the petitioner is that the 3rd respondent was taking steps to alter the nature of the property that was earmarked for construction of community hall and for putting up some houses. On coming to know of the same, the petitioner has been taking several steps to ascertain as to whether the 3rd respondent is entitled

to convert/change the portion that has already been earmarked and can construct any



houses in that earmarked portion. Since none of the representations evoked any response, the present writ petition has been filed before this Court.

5.The learned counsel for the petitioner submitted that the 1st and 2nd respondents are refusing to provide any information as to whether the 3rd respondent has taken any steps to convert the earmarked portion and to put up any houses in the site that has been earmarked for construction of community hall. Every time, the 1st respondent is giving directions to the 2nd respondent and thereafter, there is no response from the 2nd respondent. Hence, this writ petition has been filed before this Court.

6.The learned counsel for the petitioner also fairly submitted that the information was also sought for under the Right to Information Act and even then the 1st and 2nd respondents are refusing to provide any information and presently, the appeal is pending before the State Information Commission. The learned counsel submitted that the petitioner Association is desperate to know as to whether the 3rd respondent is taking steps to construct houses in a place that has been earmarked for community hall and hence, requested this Court to issue directions to the 1st and 2nd respondents.

<https://www.mhc.tn.gov.in/judis> 7. Per contra, the learned Government Advocate appearing on behalf of the 1st



and 2nd respondents submitted that the petitioner has already pursued his remedy under the Right to Information Act and hence, the petitioner cannot parallelly seek for a remedy by filing a writ petition. The learned Government Advocate therefore sought for the dismissal of this writ petition.

8. In the considered view of this Court, the petitioner is seeking for certain details from the 1st and 2nd respondents in order to ascertain as to whether the 3rd respondent is attempting to change the nature of the property which has already been earmarked for construction of a community hall. For this purpose, the petitioner is already prosecuting their right under the Right to Information Act. Since, the information was not provided, the appeal is now pending before the State Information Commission. Therefore, it will be appropriate for the petitioner to prosecute their remedy before the appellate authority under the Right to Information Act. This Court cannot parallelly issue a direction to the 1st and 2nd respondents in the light of the appeal which is already filed before the State Information Commission. Hence, liberty is granted to the petitioner to prosecute the appeal that is pending before the State Information Commission and the appellate authority shall deal with the appeal, as expeditiously as possible within the time contemplated under the concerned Act. Except giving this clarity, no further orders can be passed in this writ petition.



9. Accordingly, this writ petition is disposed of. No Costs.

24.04.2023

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

To

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Chennai – 600 107.
2. The Director,
District office of Town and Country Planning,
Cuddalore.
3. The President,
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N. ANAND VENKATESH, J.

SSR

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