



W.P.No.17087 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17087 of 2022

S.Rajagopal (HUF)

... Petitioner

Vs.

1. The Joint Director / Member Secretary,
Coimbatore District Town and
Country Planning Office,
Dr.Nanjappa Road,
Coimbatore – 641 018.

2. The Director,
Office of Directorate of Town
and Country Planning,
II, III and IV Floor,
E & C Market Road,
Koyambedu, Chennai – 600 107.

3. The Commissioner,
Town and Country Planning,
Chennai – 600 002.

... Respondents

Writ petition filed under Article 226 of Constitution of India,
seeking a writ of Certiorarified Mandamus, calling for the entire records
of the 1st respondent issued in his proceedings in



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Na.Ka.No.4014/2020/U.T.Ku dated 24.02.2021 and quash the same and consequently direct the respondents to consider application of the petitioner dated 02.11.2020, seeking approval for construction of stilt plus Three floors in Ward No.10, Block No.16, T.S.No.1060/24 in Krishnarayapuram Village, Coimbatore North Taluk.

For Petitioner : Mr.T.Sellapandian for
Mr.M.Selvaraju

For Respondents : Mr.N.Naveenkumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order, rejecting the application filed by the petitioner for construction of the commercial building on the ground that 17 feet private passage provided to the petitioner's plot is not in accordance with Rule 35 (c) (5) of the Tamil Nadu combined Development and Building Rules, 2019 and the exclusive passage shown in the plan is also a passage for other plot owners.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the lay out has been approved and 17 feet pathway is also approved for all the persons and therefore, the reason given for rejecting the application made by the petitioner, is without any basis.

4. The learned Government Advocate (Crl.side) appearing for the respondents filed a counter affidavit and submitted that the petitioner shall be directed to make a fresh application in this regard and the same will be considered, granting approval .

5. In view of the above, the petitioner shall file a fresh application seeking approval of the petition mentioned premises before the 1st respondent within a period of one month from the date of receipt of a copy of this order. On such application being filed, the 1st respondent



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shall consider the same favourably and pass appropriate orders in accordance with law. It is needless to state that the order, dated 24.02.2022 passed by the 1st respondent cannot be given any effect and the same cannot be taken as precedent by the respondents.

6. With the above observation, this Writ Petition stands disposed of. No costs.

10.02.2023

Index: Yes/No
Speaking order/Non speaking order
vum



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N.SATHISH KUMAR,J.

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