



W.P.No.30478 of 2014
and M.P.No.1 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.30478 of 2014

and

M.P.No.1 of 2014

A.K.Palanisamy

... Petitioner

Vs.

1.The Deputy Director of Town and
Country Planning Authority,
No.6, Sannathi Street,
Subramaniam Nagar,
Suramangalam, Salem.

2.The District Collector,
Erode District,
Erode - 638 011.

3.The Commissioner,
Perundurai Panchayat Union,
Perundurai - 638 052,
Erode District.

4.The President,
Sullipalayam Village Panchayat,
Sullipalayam,



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Perundurai Taluk,
Erode District.

5.The Sub Registrar,
Perundurai - 638 052,
Erode District.

6.S.Natarajan

7.N.Vijayakumar

8.A.K.Balasubramanian

9.T.Rajeskumar

10.V.Devarajan

11.R.Lalitha

... Respondents

(R10 & R11 are impleaded as per order dated 25.07.2019 in M.P.No.1 of 2015 in W.P.No.30478 of 2014)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take action against the respondents 4 to 9 as per their proceedings dated 17.04.2014, 17.06.2014 and 04.09.2014 for the unauthorized formation and registration of unapproved house sites in R.S. Nos.104 and 105 of Sullipalayam Village, Perundurai Taluk Erode District for causing mischief to the petitioner's land, by considering his representations dated 24.09.2013 and 27.08.2014.

For Petitioner	: Mr.N.Manokaran
For R1 to R5	: Ms.R.L.Karthika Government Advocate
For R6 & R7	: Ms.K.Abhirame for M/s.V.Raghavachari
For R10 & R11	: Mr.S.Kousik for M/s.C.Prabakaran
R8	: No appearance



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ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The present writ petition has been filed praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the respondents 4 to 9 as per their proceedings dated 17.04.2014, 17.06.2014 and 04.09.2014 for the unauthorized formation and registration of unapproved house sites in R.S. Nos.104 and 105 of Sullipalayam Village, Perundurai Taluk, Erode District, for causing mischief to the petitioner land, by considering his representations dated 24.09.2013 and 27.08.2014.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 5, learned counsel appearing for the respondents 6, 7, 10 & 11 and perused the entire materials on record.

3.The petitioner claims to be the owner of lands measuring 8 acres in R.S.No.48 & 50 of Pattarkaranpalayam Village, Perundurai



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Taluk, Erode District. According to him, the respondents 6 & 7 are the owners of R.S.No.104 & 105 of Sullipalayam Village, Perundurai Taluk. They formed a layout in the name and style of "Majestic City" without obtaining any permission and approval. They informed the prospective purchasers of plots that there is no necessity for obtaining permission from the first respondent. The conversion of agricultural land by the respondents 6 & 7 is without providing basic amenities like drinking water, street light, drainage, sanitation besides earmarking the land for public purposes like park, play ground etc. Hence, the petitioner has sent representations dated 24.09.2013 and 27.08.2014 to the respondents 2 to 4 to take action against the respondents 6 to 9. Since the abovesaid representations have not been considered, the present Writ Petition has been filed by the petitioner.

4. Pending writ petition, the respondents 10 & 11 were impleaded as parties in the writ petition. The respondents 10 & 11 filed a separate counter affidavit.



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5. Learned counsel appearing for the respondents 10 & 11 submitted that the Government of Tamil Nadu, Housing and Urban Development (UD4 (3) Department published a Gazette, vide G.O.Ms.78 dated 04.05.2017 has laid down Rules, namely, 'Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 for regularization of unauthorised layouts and plots sold and registered on or before 20.10.2016 and granted exemption from the operation of all the provisions of the Tamil Nadu Town and Country Planning Act, 1971. The first respondent, vide proceedings dated 11.06.2018 in Na.Ka.No.2652/2018-3, granted approval for the unapproved plots situated in S.No.104 in Sullipalayam Village, Perundurai Taluk. The respondents 10 & 11 have purchased the plots by a sale deed dated 06.01.2014 & 03.02.2014 measuring 1600 sq.ft., each and since they become eligible to the abovesaid regularisation subsequent to the publication of said Rules, they preferred an application dated 16.05.2019 to the Competent Authority. Thereafter, the Regional Development Officer, Perundurai vide proceedings dated 20.05.2019, in



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Na.Ka.No.1194/2019/A2, ordered regularization of their plots. Hence they prayed for dismissal of the writ petition.

6. The learned counsel appearing for the respondents 6 & 7 submitted that they obtained approval for the plots situated in R.S.No.104 of Sullipalayam Village, Perundurai Taluk from the first respondent and has made application for the approval of R.S.No.105 of Sullipalayam Village, Perundurai Taluk before the 1st respondent, which is is pending.

7. From the above materials and the counter affidavit filed by the respondents 10 & 11, it is seen that the first respondent has approved R.S.No.104 of Sullipalayam Village, Perundurai Taluk. According to the petitioner, the respondents 6 & 7 formed layout in R.S.Nos.104 & 105 without obtaining approval and permission from the respondents 1 to 4 and got it registered by the fifth respondent contrary to the provisions of the Act.



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8. Considering the above materials, without deciding the issue on merits, the first respondent is directed to consider the petitioner's representation dated 24.09.2013 and 27.08.2014 and pass orders on merits and in accordance with law after giving opportunity to the petitioner as well as the respondents 6 to 11, within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of .
No costs. Consequently, connected miscellaneous petition is closed.

(V.M.V.,J.) (R.H.,J.)

24.01.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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To

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V.M.VELUMANI, J.
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