



WEB COPY



W.P.No.25384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25384 of 2023

V.S.Kumar

...Petitioner

Vs.

- 1.The District Collector,
The Chairman,
Chairman Local Planning Authority,
Cuddlore District,
Cuddlore.
- 2.The Member Secretary,
Local Planning Authority,
Cuddlore District,
Cuddlore.
- 3.The Block Development Officer,
Parangipettai Block Panchayat Union,
Parangipettai,
Cuddlore District.
- 4.R.Krishnamoorthy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent to pass order on the representation of the petitioner dated 03.04.2023 submitted to the 3rd



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respondent and to conduct enquiry, and direct the 3rd respondent not to entertain to construct building for commercial purpose on the unapproved lands with respect to the property situated at Villiyanur Village comprised in Survey No.49/25.

For Petitioner	: Mr.V.Sivalingam
For Respondents 1 & 2	: Mrs.S.Anitha Special Government Pleader
For Respondent 3	: Mr.R.U.Dinesh Raj Kumar Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the 3rd respondent to consider his representation dated 03.04.2023 and pass orders. The petitioner also seeks a direction to the 3rd respondent not to entertain any application for construction of building for Commercial purpose on the unapproved land situated in S.No.49/25, Villiyanur village.

2.It is the case of the petitioner that there is a Civil Suit pending in O.S.No.464 of 2022 on the file of Subordinate Court, Chidambaram in respect of 0.75 cents of land situated in R.S.No.49/25, Villiyanur village between him and the 4th respondent. It is his further case that the 4th respondent is indulged



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in construction of building without getting approval of the plot from the Department of Town and Country Planning. In this regard, the petitioner submitted a representation dated 25.08.2023 to the respondents 1 & 3.

3. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the 3rd respondent on instructions, submits that the representation of the petitioner has been considered by the 3rd respondent and disposed of. He also produced the copy of the order allegedly passed by the 3rd respondent.

4. A perusal of the order allegedly passed by the 3rd respondent would suggest that it is only a report submitted by the Zonal Deputy Block Development Officer-1 Parangipettai taluk to the 3rd respondent. The 3rd respondent has not passed any formal order disposing the representation of the petitioner. The report allegedly submitted by the Zonal Deputy Block Development Officer-1 would suggest that the building under construction was already approved by the concerned Panchayat. However, in the report of the Zonal Deputy Block Development Officer -1, there is no mention about approval of the plot. It is the specific case of the petitioner that the building is



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being constructed in an unapproved plot. Therefore, the 3rd respondent is directed to consider the representation of the petitioner dated 25.08.2023 on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

5. With this direction, the writ petition stands disposed of. No costs.

04.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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