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W.P.No.21374 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21374 of 2022

M.Dhanapalan

...Petitioner

Vs.

1.The Deputy Director

District Town and Country Planning, Vellore Zone
No.239, Phase – 2, Vellore District 632 009.

2.The Block Development Officer

Vandavasi Panchayat Union
Ulundai Panchayat, Vandavasi Taluk
Tiruvannamalai District 604 408.

3.The Village President-Ulundai Panchayat

Ulundai Village and Post, Vandavasi Taluk
Tiruvannamalai District 604 403.

4.K.Anbu

5.N.Karnan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents 1 to 3 authorities to take
necessary action to direct the respondents 4 & 5 to immediately comply with



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the condition – 17 of the technical layout approval issued vide Na.Ka.No.1032/2018/VM-3 dated 04.07.2018 and remove the electric lines running above petitioner's plots and to relocate the same within specified period of time fixed by this Court.

For Petitioner : Mr.I.Prakash Raj

For Respondents : Mr.N.Naveen Kumar for R1 to R3
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to the respondents 1 to 3 to take necessary action by directing the respondents 4 & 5 to comply with the condition No.17 imposed by the first respondent in technical layout approval issued on 04.07.2018 in Na.Ka.No.1032/2018/VM-3.

2. It is the case of the petitioner that he purchased plot Nos.9 to 15 and 22 to 28 in a layout promoted by the respondents 4 & 5 in Sri Ram Nagar, Ulundai Village and Panchayat, Vandavasi Taluk, Thiruvannamalai District. The layout was approved by the first respondent by the order dated 04.07.2018 in its proceedings in Na.No.1032/2018/VM-3.



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3. It is also stated by the petitioner that an electrical pole is existing in the said plots purchased by him. Further, the overhead LT line is also passing through the plots purchased by the petitioner. The electrical pole and power line would be hindrance for the petitioner for developing his plots. As per the condition No.17 of the approval order, the promoters of the lay out namely respondents 4 & 5 must take necessary steps for shifting of electrical pole and over head line.

4. The main grievance of the petitioner is that the respondents 4 & 5 failed to take any action to shift the electrical pole and LT line as per condition No.17 of the approval order. In this connection, the petitioner submitted a representation to the respondents 1 to 3 seeking necessary action against the respondents 4 & 5. However, till date no action has been taken on his representation.

5. Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents 1 to 3 submitted that the representation of the petitioner will be considered on its merits and appropriate orders will be passed.



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6. In view of the above said position, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider his representation dated 16.03.2022 and pass final orders on merits and in accordance with law, after issuing notice to the respondents 4 & 5 within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

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



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S.SOUNTHAR, J.
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