



WEB COPY



W.P.No.23177 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

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1. P.K.Kuppan
2. A.V.Chokkalingam
3. Deivayanai
4. M.G.Chidambaram
5. K.Latha
6. V.E.Lakshmanan

.. Petitioners

Vs.

1. The Joint / Assistant Director,  
District Town Country Planning Office,  
43/397A, 2nd Floor, Rajajipuram,  
Indira Gandhi Road, Tiruvallur,  
Tiruvallur District.

2. S.Muthu

.. Respondents

**Prayer :** Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records of the first respondent culminating in the order of the first respondent bearing No.Na.Ka.No.2897/2021/TIVAMA, dated 12.05.2022 and direct the respondent to issue lay out approval in Survey No.188/1, 188/2C, 249/6c, 248/3, 249/2B1 total extent of Acre 6.14 cent in Srikaligapuram Village, R.K.Pet Taluk, Tiruvallur District by applying the necessary development control rules framed under the Provision of Tamil Nadu Town and Country Planning Act, 1972.



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For Petitioners : Mr.N.L.Rajah  
SC for Mr.K.Narasimhan

For Respondent 1 : Mrs.R.Anitha  
Special Government Pleader

For Respondent 2 : Mr.K.Balu

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### **ORDER**

This writ petition has been filed challenging the impugned order dated 12.05.2022 passed by the first respondent. The petitioners have purchased the land and thereafter applied for lay out permission. The first respondent passed the impugned order stating that since a complaint has been received from the second respondent, till the dispute is resolved in the Court, the application for lay out would not be processed. Challenging the same this writ petition has been filed.

2. Mr.N.L.Rajah, learned senior counsel appearing for the petitioners pointed out that the property has been purchased from the original owners and merely on the basis of some allegations pressed into service by some third party, the application for lay out submitted by the petitioners cannot be kept pending by the authorities. Further according to the learned senior counsel, even the RTI reply obtained by the petitioners indicate that the land



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is in no way connected to panchami land as alleged by the second respondent and merely on the basis of some false complaint, the rights of the petitioners cannot be defeated by keeping the application pending forever.

3. Heard the submissions of the learned counsel appearing for the second respondent.

4. On a perusal of the impugned order dated 12.05.2022 passed by the first respondent this Court is of the view that the same is nothing but mere non-application of mind. Even assuming that any complaint is received or any objection is received against issuance of plan permission, the proper course for the authorities is to have the matter considered on merits. Without doing so, just like that the application of the petitioners cannot be kept pending citing reason that a complaint has been filed.

5. Such view of the matter, the impugned order is set aside and the first respondent is directed to give an opportunity of hearing to the petitioners and if required the second respondent may also be given an opportunity of hearing and thereafter based on the documents produced by the petitioners the first respondent shall pass orders on the application given



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by the petitioners for lay out permission on merits and in accordance with law. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. No costs.

**24.01.2023**

Index : Yes / No  
Neutral Citation : Yes / No  
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To

The Joint / Assistant Director,  
District Town Country Planning Office,  
43/397A, 2nd Floor, Rajajipuram,  
Indira Gandhi Road, Tiruvallur,  
Tiruvallur District.



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**N.SATHISH KUMAR, J.**

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