



Writ Petition No.22865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :16.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.22865 of 2023

V.Ponnusamy

... Petitioner

Vs

1.The District Collector and Inspector of Panchayats,
Kallakurichi District, Kallakurichi.

2.The Assistant Director,
Panchayats,
Kallakurichi District,
Kallakurichi.

3.The Assistant Director,
Town and Country Planning,
Kallakurichi District,
Kallakurichi.

4.The Chief Educational Officer,
Kallakurichi District, Kallakurichi.

5.The Block Development Officer,
Village Panchayats,
Kallakurichi Panchayat Union,
Kallakurichi, Kallakurichi District.

6.The President,
Madhavacherry Village Panchayat,
Kallakurichi Panchayat Union,
Madhavacherry,
Kallakurichi District.



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7.Vellanna,
Madhavacherry Village Panchayat,
Kallakurichi Panchayat Union,
Madhavacherry,
Kallakurichi District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondent 1 and 5 to grant final approval/permission granted by the 3rd respondent dated 20.06.2023 in ROC No.WOMVK48G/11489/2023/2022/TCP with regard to his property in S.Nos.181/2B1, 2C, 2D1, 2E1, 184/13A and 184/13A and 184/13B1 to an extent of 83 cents, situated at Madhavacherry South Village, Chinnasalem Taluk, Kallakurichi District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
for R1 to R4
Mr.G.Velu
Additional Government Pleader
for R5 and R6

ORDER

This writ petition is filed seeking issuance of Mandamus directing the respondents 1 and 5 to grant final approval for the residential layout of the petitioner in the light of the approval granted by the 3rd respondent dated 20.06.2023 with regard to the layout proposed by the



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petitioner in S.Nos.181/2B1, 2C, 2D1, 2E1, 184/13A and 184/13A and 184/13B1, situated at Madhavacherry South Village, Chinnasalem Taluk, Kallakurichi District.

2. It is the case of the petitioner that he is the owner of land situated in the above mentioned Survey Nos.181/2B1, 2C, 2D1, 2E1, 184/13A and 184/13A and 184/13B1, to an extent of 83 cents, situated at Madhavacherry South Village, Chinnasalem Taluk, Kallakurichi District. The petitioner proposed a layout in the above mentioned land and submitted his layout for approval of the 3rd respondent. The petitioner also executed gift deeds in respect of the roads in the proposed layout in favour of the 6th respondent. After considering the application of the petitioner, the 3rd respondent granted technical approval for the layout of the petitioner by its order dated 20.06.2023. Thereafter, the application of the petitioner was sent to the 6th respondent for final approval. However, the 6th respondent has not granted final approval and therefore, the petitioner is constrained to approach this Court by way of this writ petition.

3. The learned counsel for the petitioner submitted that once a



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technical approval is granted by the 3rd respondent, the 6th respondent is not justified in holding his approval and the inaction of the 6th respondent in granting approval of the petitioner's layout is not justified. The petitioner also submitted an application before the 1st respondent on 03.07.2023 seeking his intervention as he being the Supervisory Authority of the 6th respondent.

4. Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.G.Velu, Additional Government Pleader appearing for the respondents 5 and 6 by taking this Court to the counter affidavit filed by the 6th respondent submitted that in the layout proposed by the petitioner, he encroached S.Nos.181/2F2, 203/1A1, 203/1B1, 203/1C1, 203/1D1, which belong to the Education Department and had shown that the said land belonged to the Education Department, is the approach road to his layout.

5. It is also submitted by the learned counsel for the 6th respondent that the property in which the layout is proposed is not standing in the name of petitioner in the Revenue records.



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6. In reply to the contention of the learned counsel for the 6th respondent, the learned counsel for the petitioner by taking this Court to the patta issued by the Revenue Department, which is included in the typed set of papers, submitted that the above said lands are standing in the name of the petitioner in revenue records.

7. In the light of the patta produced by the petitioner in Patta No.2070, the land in which the proposed layout is formed stands in the name of the petitioner. However, there is a dispute with regard to the land in S.Nos.181/2F2, 203/1A1, 203/1B1, 203/1C1, 203/1D1. It is the specific case of the 6th respondent, the land in above said Survey numbers belongs to the Education Department and in the said land, there is a road laid for usage of students and the petitioner cannot treat it as an access to his layout.

8. The learned counsel for the petitioner submitted that the Chief Educational Officer, Kallakurichi, in his letter addressed to the 5th respondent already informed to him that the above said road mentioned by the 6th respondent was gifted in favour of Panchayat. Therefore, there may not be any impediment for the petitioner to use the same as an access to his



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layout.

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9. In the light of the said submission made by the learned counsel for the petitioner, this Court deems it appropriate to direct the 6th respondent to consider the application of the petitioner for layout approval and pass orders in accordance with law, after affording opportunity to the petitioner within a period of four weeks from the date of receipt of copy of this order. No costs.

16.08.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Note: Issue order copy on 21.08.2023



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S.SOUNTHAR, J.
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