



WEB COPY



W.P.No.25294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25294 of 2023

S. Murugesan

...Petitioner

Vs.

1. The Executive Officer
Namagiripet Town Panchayat
Rasipuram Taluk
Namakkal District – 637 408.

2. The Assistant Director,
Town and Country Planning Department,
No.6/1217, Paramthi Road (South Side),
Namakkal District – 637 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to sanction the approved layout plan of the petitioner on the basis of the approval / concurrence granted by the 2nd respondent vide its Approval No.SWP/DTCP/NAMAKKAL/LAYOUT No.237/2022 read with the representation issued by the petitioner to the 1st respondent on 05.06.2023.



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For Petitioner : Mr.Nithyaesh Natraj
for Anirudh A Sriram

For Respondent 1 : Mr.S.Yashwanth
Additional Government Pleader

For Respondent 2 : Mrs.S.Anitha
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the 1st respondent to approve the layout proposal of the petitioner in the light of the approval granted by the 2nd respondent vide Approval No. SWP/DTCP/NAMAKKAL/LAYOUT No.237/2022 dated 26.11.2022.

2.It is the case of the petitioner that he is the owner of 0.86 acres, comprised in S.No.48/3 and 2.12 acres comprised in S.No.48/2B in Ariyagoundampatty Village, Rasipuram Taluk, Namakkal District. He purchased the said properties under registered Sale Deeds dated 12.02.2004 and 24.03.2004. The petitioner developed a layout in the about said lands and submitted the same for technical approval of the 2nd respondent. The proposal of the petitioner was approved by the 2nd respondent by his order dated 26.11.2022 in his Approval No.SWP/DTCP/NAMAKKAL/LAYOUT



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No.237/2022. Thereafter, the application of the petitioner has been forwarded to the 1st respondent for final approval. But till date the 1st respondent has not granted his final approval. Therefore, the petitioner has come before this Court.

3.Mr.S.Yashwanth, learned Additional Government Pleader takes notice for the 1st respondent. Mrs.S.Anitha, learned Special Government Pleader takes notice for the 2nd respondent.

4.In view of the above said factual scenario, this Court is inclined to issue following direction, without expressing any opinion on the merits of the claim made by the petitioner.

5.In view of the fact that technical approval has been already granted by the 2nd respondent to the layout proposal of the petitioner, it is for the 1st respondent to consider the application of the petitioner and pass final orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.



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S.SOUNTHAR, J.

nti/shl

6. With these observations, the writ petition stands disposed of. No costs.

28.08.2023

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

To

1. The Executive Officer
Namagiripet Town Panchayat
Rasipuram Taluk
Namakkal District – 637 408.
2. The Assitant Director,
Town and Country Planning Department,
No.6/1217, paramthi Road (South Side),
Namakkal District – 637 001.

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