



WEB COPY



Writ Petition No.29886 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.29886 of 2022

a n d

W.M.P.No.29273 of 2022

M.S.Rajavelu

...

Petitioner

Vs

1. The Director
Town and Country Planning Department
4th Floor, Chengalvarayan building
Anna Salai
Chennai.
2. The Deputy Director
Town and Country Planning Department
Thiruvalur Collector Office
Thiruvalur 602 001.
3. The Assistant Director
Town and Country Planning Department
No.43/397-A Annai Indira Gandhi Salai
Thiruvallur 602 001.
4. The Director
Agriculture Department
Thiruvallur District.
5. The Assistant Director of Agriculture
Agrl Extension Centre
BDO Office Complex, Pallipat
Thiruvallur District.



Writ Petition No.29886 of 2022

WEB COPY

6. The Executive Officer
Podhaturpet Town Panchayat
Podhaturpet
Thiruvallur District.

7. M.G.Narasimman

8. N. Iyappan

9. T.R.Lakshmi ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to dispose of the representation dated 26/1/2022 into consideration and cancel the layout No.SWP/DTCP/TVLR/LAYOUT No.138/2022 for the property comprising in S.Nos.21/5B, 21/7B, 21/8B, 21/7D & 21/7E and 21/8D Podhathurpet Village, Pallipet Taluk, Tiruvallur District, without compliance of G.O.Ms.No.79 Housing and Urban Development Department dated 4/5/2017 and Section 47 (1) (a) of the Tamil Nadu Combined Development and Building Rules, 2019 and to take action under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner ... Mr.L.Dhamodharan

For respondents ... Mr.S.Rajesh
Government Advocate
for R.R.1 and 2

Ms.G.Sri Jayashree
for R.R.7 to 9



Writ Petition No.29886 of 2022

ORDER

WEB COPY

This writ petition has been filed to direct the respondents to dispose of the representation dated 26/1/2022 into consideration and cancel the layout No.SWP/DTCP/TVLR/LAYOUT No.138/2022 for the property comprising in S.Nos.21/5B, 21/7B, 21/8B, 21/7D & 21/7E and 21/8D Podhathurpet Village, Pallipet Taluk, Tiruvallur District, without compliance of G.O.Ms.No.79 Housing and Urban Development Department dated 4/5/2017 and Section 47 (1) (a) of the Tamil Nadu Combined Development and Building Rules, 2019 and to take action under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The case of the petitioner is that the petitioner along with four others have instituted a Civil Suit in O.S.No.134 of 2022 on the file of the Sub-Court, Tiruttani, against the respondents 7 to 9, for permanent injunction restraining alienation of the property, which is pending and without obtaining necessary permission for conversion of the agricultural land into house sites in terms of G.O.(Ms) No.79, Housing and Urban [UD4 (3)] Department, dated 4/5/2017 issued by the Government of Tamil Nadu, the second respondent, by Proceedings dated 26/8/2022, granted approval for residential layout of the property. Hence, the petitioner has made a



representation dated 26/10/2022 to the second respondent to cancel the layout approval. Since the second respondent has not taken any action, the petitioner has come forward with the instant writ petition.

3. Heard Mr.L.Dhamodharan, learned counsel for the petitioner, Mr.S.Rajesh, learned Government Advocate for the respondents 1 to 6 and Ms.G.Sri Jayashree, learned counsel for the respondents 7 to 9.

4. Perused the materials available on record.

5. On an earlier occasion, this, Court, vide, order, dated 11/11/2022, directed the second respondent to file a report.

6. Today, when the matter is taken up for hearing, Mr.S.Rajesh, learned Government Advocate appearing for the respondents 1 to 6 produced a Proceeding, dated 20/12/2022, issued by the Assistant Director, Thiruvallur District, wherein it is stated that representation of the petitioner has been considered and lay out permission has been cancelled.



Writ Petition No.29886 of 2022

7. In such a view of the matter, nothing survives for further adjudication in this matter. Accordingly, this writ petition is dismissed. It is well open to the respondents 7 to 9 to challenge the above proceedings, in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

11/1/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

mvs.

To

1. The Director
Town and Country Planning Department
4th Floor, Chengalvarayan building
Anna Salai
Chennai.
2. The Deputy Director
Town and Country Planning Department
Thiruvallur Collector Office
Thiruvallur 602 001.
3. The Assistant Director
Town and Country Planning Department
No.43/397-A Annai Indira Gandhi Salai
Thiruvallur 602 001.



WEB COPY



Writ Petition No.29886 of 2022

N.SATHISH KUMAR,J

mvs.

4. The Director
Agriculture Department
Thiruvallur District.
5. The Assistant Director of Agriculture
Agrl Extension Centre
BDO Office Complex, Pallipat
Thiruvallur District.
6. The Executive Officer
Podhaturpet Town Panchayat
Podhaturpet
Thiruvallur District.

W.P.No.29886 of 2022

11/1/2023