



W.P.No.31894 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA

W.P.No.31894 of 2022

P.Thillaikarasi

..Petitioner

Vs.

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning Head Office,
Anna Salai,
Chennai- 600 002.

2. The Deputy Director of Town and Country Planning,
Salem Region,
Sannathi Street,
Subramani Nagar,
Salem- 636 005.

3. The Assistant Director of Town and Country Planning,
Office of Assistant Director of Town and Country Planning,
Door No. 6/12, 17 Paramathi Road (South Side),
Namakkal District.

4. The Block Development Officer (Village Panchayat),
Elachipalayam Block,
Tiruchengode Taluk,
Namakkal District.

5.N. Ponnusamy

...Respondents



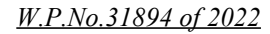
W.P.No.31894 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd Respondent to take over the possession of the public road, situate in Manathi Village, Tiruchengode Taluk, Namakkal District, measuring an extent of 17,940 Sq.Ft. comprised in Survey No. 187/2, 187/3, 187/5C, 189/4, 189/12 Part, 189/13A, 189/22, 189/23 Part & 189/24 Part, enabling the Petitioner and other adjacent land owners to use the said road and to take action against the 5th Respondent, due to his failure in handing over and non-execution of gift deed in so far as the said public road in the light of the In-Principle Approval dated 25.05.2018 issued by the 2nd Respondent and the Order of Regularization dated 26.12.2018 issued by the 4th Respondent by considering the Petitioner's representation dated 27.09.2022.

For Petitioner : Mr.S.Senthil

For RR 1 and 4 : Mr.E.Vijay Anand
Additional Government Pleader

For R-5 : Mrs.A. Madhumathi



(The order of the Court was made by J.Nisha Banu,J.)

3. It is a matter of record that this court by order dated 02.12.2022, while admitting the writ petition directed the Director of Town and Country Planning to conduct an enquiry and to file a report before this



W.P.No.31894 of 2022

court. This court observed that the Regional Deputy Director who is vested with the duty of regulating development has acted whimsically and issued a regularisation order without following the procedure prescribed under the Rules.

4. After several hearings, today, the learned Additional Government Pleader appearing for the respondents 1 to 4 submits that since the petitioner did not surrender the disputed road portion in Survey No. 187/2, 187/3, 187/5C, 189/4, 189/12 Part, 189/13A, 189/22, 189/23 Part & 189/24 Part, proceedings has been issued by the 3rd respondent in Na.Ka.No.2593 of 2022 dated 13.09.2023 as against the 5th respondent. He also produced a copy of the proceedings dated 13.09.2023 before this Court.

5. A perusal of the proceedings dated 13.09.2023 would go to show that the conditions for the approval of the lay out is to hand over the lands for road and for public purpose. Since the said condition was not complied with by the 5th respondent, the Director, Town and Country Planning in his enquiry found that the 5th respondent has not



W.P.No.31894 of 2022

handed over the lands as per the Gift Deed for road and public purpose within the time stipulated and as such, rejected the approval granted to the unapproved lay out as per the directions of this court issued on 02.12.2022.

6. In view of the above, recording the proceedings dated 13.09.2023 in Na.Ka.No.2593/2022, this writ petition is closed. No costs.

(J.N.B, J.) (N.M, J.)
20.09.2023

Index : Yes / No
Internet : Yes / No
Speaking order: Yes/No
Neutral Citation : Yes / No
dsn/nvsri

To

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning Head Office,
Anna Salai,
Chennai- 600 002.

2. The Deputy Director of Town and Country Planning,
Salem Region, Sannathi Street,
Subramani Nagar,
Salem- 636 005.



WEB COPY



W.P.No.31894 of 2022

J. NISHA BANU, J.
and
N.MALA, J.

dsn/nvsri

3. The Assistant Director of Town and Country Planning,
Office of Assistant Director of Town and Country Planning,
Door No. 6/12, 17 Paramathi Road (South Side),
Namakkal District.

4. The Block Development Officer (Village Panchayat),
Elachipalayam Block,
Tiruchengode Taluk,
Namakkal District.

W.P.No.31894 of 2022

20.09.2023