



W.P(MD)No.1897 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.1897 of 2023
and
W.M.P(MD)No.1667 of 2023**

S.Murugan

... Petitioner

VS.

- 1.The Director,
Town and Country Planning Office,
E & C Market Road,
Koyambedu,
Chennai – 600 107.
- 2.The Joint Director,
District Town and Country Planning Office,
Tirunelveli,
Tirunelveli District.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.



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5.The Sub Registrar,
Panagudi Sub Registrar Office,
Panagudi,
Tirunelveli District.

6.Arul Jegan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conclude the proceedings in Na.Ka.No.3289/2022/Thilima 3(1) dated 29.12.2022 within the stipulated time during such time the respondents 1 and 2 to instruct the fifth respondent not to register any documents in respect of the properties in Survey Nos.806/2, 3, 4, 5, 6, 7 and 8 and Survey Nos.807/1, 2, 3 & 4 in Levinjipuram Village, Tirunelveli District.

For Petitioner	: Mr.S.Saravanakumar
For RR 1 to 4	: Mr.P.Thilak Kumar Government Pleader
For R – 5	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conclude the proceedings in Na.Ka.No.3289/2022/Thilima 3(1) dated 29.12.2022 within



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the stipulated time and with a consequential direction to the respondents 1 and 2 to instruct the fifth respondent not to register any documents in respect of the properties in Survey Nos.806/2, 3, 4, 5, 6, 7 and 8 and Survey Nos.807/1, 2, 3 & 4 in Levinjipuram Village, Tirunelveli District.

2. According to the petitioner, the properties comprised in Survey Nos.806/2 to 8 and Survey Nos.807/1 to 4 to an extent of 7 acres situated in Levinjipuram Village, Tirunelveli District are agricultural lands and the same is located adjacent to Nathiparai Tank. The sixth respondent has purchased the said properties for the windmill project. Now, the sixth respondent has planned to convert the abovesaid land as house site plots, for which, he has demolished the patta channel. The abovesaid properties are classified as punja land and adjacent properties are punja and nanja lands. If the sixth respondent has allowed converting the agricultural land as house site plots, it will affect the agriculture and caused air pollution in the locality. Hence, the petitioner made a representation, dated 27.07.2022 to the official respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.



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3. The learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that approval has already been granted.

4. The learned counsel appearing for the petitioner disputed the abovesaid fact.

5. Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, if no approval is granted, the authorities concerned are directed to consider the representation of the petitioner, dated 29.12.2022 and pass appropriate orders, on merits and in accordance with law, after due opportunity of hearing to all the parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. If approval is granted, the official respondents are directed to communicate a copy of the order to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Director,
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Koyambedu,
Chennai – 600 107.
- 2.The Joint Director,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
W.P(MD)No.1897 of 2023

DATED : 01.02.2023