



W.P.(MD)No.10332 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10332 of 2021

C.Vedhaselvam

... Petitioner

VS.

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

2.The Assistant Director (Panchayat),
O/o. Assistant Director Office,
New Collectorate Campus, Thanjavur -613 010.

3.The Member of Secretary,
Kumbakonam Local Planning Authority,
93/5, Kamaraj Road, Bishop Complex,
Kumbakonam- 612 001, Thanjavur District.

4.The Block Development Officer (Village Panchyats),
O/o. BDO, Kumbakonam, Thanjavur District.

5.Navanith Sethiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to consider petitioner's representation dated 08.03.2021 and further to direct the 3rd respondent to withhold the approval granted in favour of the



W.P.(MD)No.10332 of 2021

5th respondent as the approved plots in Narayani Manikam Pillai Nagar, Annalagraharam Village, Kumbakonam Taluk lacks in basic amenities of the residents.

For Petitioner	:Mr.V.Rajiv Rufus
For R1 to R4	:Mr.A.K.Manikkam Special Government Pleader
For R5	:Mr.H.Lakshmi Shankar

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 08.03.2021 and to withhold the approval that has been granted in favour of the fifth respondent on the ground that the fifth respondent had failed to provide basic amenities and provide safety measures.

2.The case of the petitioner is that he has purchased five plots from the fifth respondent. The petitioner later came to know that the approval has been granted in favour of the fifth respondent without following the proper procedure and without ensuring the safety measures. According to the petitioner, the fifth respondent has proceeded to develop the



W.P.(MD)No.10332 of 2021

property by blocking the water body, which has been allotted Plot No.

116. As a result, there is waterlogging every time, when there are rains.

That apart, the fifth respondent had assured that the high tension cable lines will be removed and the same will be shifted to some other place. However, this was also not done. This electricity cable is running over the place, which is earmarked for park and thereby, causing danger to the children, who are using the park. That apart, it is also alleged that the fifth respondent has not provided any basic amenities and safety measures to the entire layout. Under such circumstances, the petitioner made a complaint before the third respondent to withhold the approval granted in favour of the fifth respondent.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents 1 to 4 submitted that nearly 60 houses have been constructed in the place and all of them have settled down in this place.

4. The learned Counsel appearing on behalf of the fifth respondent submitted that there was a personal dispute between the petitioner and



W.P.(MD)No.10332 of 2021

the fifth respondent and that the petitioner is attempting to arm twist the fifth respondent by way of filing this Writ Petition. The learned Counsel also brought to the notice of this Court that the petitioner had sold some of the plots, which he had purchased from the fifth respondent.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side, this Court does not find any scope to grant the relief, as sought for in this Writ Petition. If according to the petitioner, the layout approval granted to the fifth respondent is not proper and that the fifth respondent has developed the plots by blocking water channel, then the entire approval has been put to question, whereas, the petitioner himself has purchased five plots from the fifth respondent and, in fact, has dealt with few of plots and sold it to third parties.

6.In view of the same, the petitioner on the one hand cannot have the advantage of having purchased five plots from the fifth respondent and simultaneously complain against the fifth respondent, as if approval itself has been granted without providing proper safety measures and



W.P.(MD)No.10332 of 2021

basic amenities. The grievance of the petitioner as against the fifth respondent is more a personal dispute between the parties, which cannot be resolved in this Writ Petition. If according to the petitioner, there is any deficiency in providing basic amenities, etc., the petitioner has to approach the appropriate forum and seek for the remedy.

7.In the light of the above discussions, this Court finds that there is no ground to entertain the relief sought for by the petitioner and accordingly, this Writ Petition is disposed of. No costs.

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

18.10.2023

cmr



W.P.(MD)No.10332 of 2021

To
WEB COPY

- 1.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai-600 002
- 2.The Assistant Director (Panchayat),
O/o. Assistant Director Office,
New Collectorate Campus, Tanjavur -613010.
- 3.The Member of Secretary,
Kumbakonam Local Planning Authority,
93/5, Kamaraj Road,
Bishop Complex, Kumbakonam- 612 001,
Thanjavur District.
- 4.The Block Development Officer (Village Panchyats),
O/o. BDO, Kumbakonam, Thanjavur District.



WEB COPY



W.P.(MD)No.10332 of 2021

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.10332 of 2021

18.10.2023