



W.P(MD)No.10927 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.10927 of 2023

and

W.M.P(MD)No.9569 of 2023

1.Baskar

2.K.Mani

3.S.Ramamoorthy

... Petitioners

Vs.

1.The Director,
The Directorate of Tamil Nadu Town and Country
Planning Authority,
Department of the Tamil Nadu Town and Country
Planning Authority,
C and E Market Road,
Koyambedu,
Chennai.

2.The Ministry of Forest,
represented by its Secretary,
Government of India,
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of



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India praying to issue a Writ of Mandamus directing the first respondent to grant planning permission for the Petitioner's residential Lay Out by considering the Petitioner's online application in Online Application No.QMOP1YA5, dated 26.12.2022 in the light of the notification issued by the Ministry of Environment, Forest and Climate Change, dated 30.10.2019 published in the Gazette of India on 1.11.2019 in S.O. 3974(E) within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent-1 : Mr.Om Prakash
Govt.Advocate

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus directing the first respondent to grant planning permission for the Petitioner's residential Lay Out by considering the Petitioner's online application in Online Application No.QMOP1YA5, dated 26.12.2022 in the light of the notification issued by the Ministry of Environment, Forest and Climate Change, dated 30.10.2019 published in the Gazette of India on 1.11.2019 in S.O.3974(E) within the time stipulated by this Court.



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2.Mr.V.Om Prakash, learned Government Advocate takes notice for the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioners is that all the three petitioners have purchased the lands in S.Nos.480/1A1B, 2,481/1B, 481/2, 482/1,2 483/1 484, 485/1 485/2A, 2B1, 2B2, 486/1 and 488/1A2, 1B and 2B of Kunnur Village, Watrap, Virudhunagar District and the patta for the above said lands also stands in the name of the Petitioners in Patta Nos.4066 and 4054.The Petitioners have intended to develop the said lands for developing it as a residential lay out for the residential needs of the local people and they made an online application to the respondents on 26.12.2022.The Petitioners have also remitted the statutory fee as well as the necessary documents for the purpose of according planning permission for the residential lay out under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971(Tamil Nadu Act 35 of 1972). For the past five months, the online application of the Petitioners has not been considered by the respondents. Hence the Petitioners have filed this Writ Petition for the relief stated supra.



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4.The learned counsel for the Petitioner Mr.Mahaboob Athiff submitted that the Honourable Supreme Court in the judgment in ***T.N.Godavarman Thirumulpad .vs. The Union of India and others reported in 2023 SCC Online 504*** passed an order in a similar case modifying the directions with respect to the establishment of construction of residential houses within the ecologically sensitive zone. It is brought to the notice of this Court that the Petitioners lay out is situate within 1 km in the above-mentioned village away from the ecologically sensitive zone. It is also brought to the notice of this Court that the Petitioner's lay out is close to the Srivilliputhur Grizzled Wild Life Sanctuary.

5.Mr.V.Om Prakash, learned Government Advocate appearing for the first respondent accepts notice on behalf of the first respondent and submits that the intention of the Petitioners is to be understood and the fact that whether the Petitioners belongs to the local area for substantiating their right of constructing dwelling houses therein has to be looked into by this Court. Hence it may not be possible, if the same is for their own purpose and the authorities concerned are ready and



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willing to pass orders on the online application of the Petitioners, on its own merits, within the time frame stipulated by this Court.

6.Heard the learned counsel for the Petitioners as well as the learned Government Advocate appearing for the first respondent and perused the materials placed before this Court.

7.The learned counsel appearing for the Petitioners relied upon a notification of the Ministry of Environment, Forest and Climate Change, New Delhi, dated 30.10.2019, in paragraph 5 S.No.9 clause (b) mandates that the local people shall be permitted to undertake construction in their land for their use including the activities listed in sub paragraph (1) of Paragraph 6 as per the building bye laws.

8.In view of the same, this Court directs the respondents concerned to consider the online application submitted by the Petitioners on 26.12.2022 and dispose of the same, after affording an opportunity of hearing to the Petitioners and other parties interested, if any, on merits and in accordance with law, within a period of six weeks



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from the date of receipt of a copy of this order.

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9. With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

19.05.2023

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

vsn

To

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L.VICTORIA GOWRI., J.

vsn

ORDER MADE IN
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