



W.P(MD)Nos.10743 to 10746 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos. 10743 to 10746 of 2023

and

WMP(MD) Nos.9461,9462,9464 & 9467 of 2023

K.Muthukumar

Petitioner in
WP(MD) No.10743/2023

K.Nagoor Meeran

Petitioner in
WP(MD) No.10744/2023

Sivasangaran

Petitioner in
WP(MD) No.10745/2023

M.Gayathri

Petitioner in
WP(MD) No.10746/2023

Vs

1.The Secretary of Tamil Nadu,
Housing Urban and Rural Development Department,
Secretariat,
Chennai 600 009.

2.The Director,
Town and Country Planning,
Anna Salai,
Chennai 600 002.



W.P(MD)Nos.10743 to 10746 of 2023

WEB COPY

3.The Assistant Director,
Town and Country Planning,
Theni District.

4.The Executive Officer,
Veerapandi Town Panchayat, Veerapandi,
Theni District.

Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the fourth respondent in any manner to interfere the peaceful possession and enjoyment of the petitioners' house situate in Survey Nos. 161/1B3, 161/1A2D, 161/1D5 and 161/1B4 Mariammankovilpatty, Veerapandi Village, Theni District till the disposal of his applications dated 01.04.2023 pending before the respondents 1 to 3.

For Petitioners	:Mr.G.Jeganathan
For R1 to R3	:Mrs.D.Farjana Ghoushia Special Government Pleader
For R4	:Mr.A.K.Manickkam Special Government Pleader

(In all WPs)

COMMON ORDER

The petitioners claim that they have purchased plots in an unapproved layout and they have put up constructions. After



W.P(MD)Nos.10743 to 10746 of 2023

knowing that the unapproved layouts are regularised by the first respondent, necessary applications have been filed by the petitioners before the first respondent on 01.04.2023. They have also submitted applications before the fourth respondent on 18.04.2023 and the same is pending. In the meantime, the fourth respondent/ The Executive Officer, Veerapandi Town Panchayat has attempted to evict these petitioners that they have put up constructions in an unapproved layout. Therefore, the petitioners have filed these writ petitions for a Mandamus, forbearing the fourth respondent from interfering with their peaceful possession of their houses situate in Survey Nos. 161/1B3, 161/1A2D, 161/1D5 and 161/1B4 Mariammankovilpatty, Veerapandi Village, Theni District till the disposal of their applications dated 01.04.2023.

2.The learned Special Government Pleader appearing for the respondents 1 to 3 seeks some time to get instructions on the disposal of the petitioners' applications dated 01.04.2023.



W.P(MD)Nos.10743 to 10746 of 2023

WEB COPY

3.The learned Standing Counsel appearing for the fourth respondent submits that a complaint has been given by one Saravanan, S/o Pandi before the District Collector, Theni that these petitioners have put up constructions in an unapproved layout and the same has been forwarded to them for necessary action and therefore, the fourth respondent has issued a show cause notice on 15.03.2023 directing the petitioners to produce the building planning approval for their constructions. The petitioners without appearing for the enquiry, they have filed these writ petitions.

4.Admittedly, the petitioners have constructed houses measuring 1200 sq.ft for their own use in an unapproved layout and on knowing that, they have filed applications before the respondents for regularizing their constructions put up in the unapproved layout. It appears that the fourth respondent has acted upon on the complaint of one Saravanan. The construction of a house could not be completed in a month or two months. The fourth respondent, who failed to take action at the time of constructions were made, is now



W.P(MD)Nos.10743 to 10746 of 2023

taking coercive action, when these petitioners have submitted applications for obtaining approval of unapproved layouts and the applications filed by the petitioners are pending before the first respondent. It appears that the first respondent is in the process of approving the unapproved plots.

5.In view of the above, these writ petitions are allowed.

The fourth respondent shall not proceed further till the disposal of the applications submitted by the petitioners before the first respondent. The first respondent shall take necessary steps on the applications of the petitioners dated 01.04.2023 for granting approval on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed

07.07.2023

Index : Yes/No
Internet : Yes/No
vrn



W.P(MD)Nos.10743 to 10746 of 2023

To
WEB COPY

- 1.The Secretary of Tamil Nadu,
Housing Urban and Rural Development Department,
Secretariat,
Chennai 600 009.
- 2.The Director,
Town and Country Planning,
Anna Salai,
Chennai 600 002.
- 3.The Assistant Director,
Town and Country Planning,
Theni District.
- 4.The Executive Officer,
Veerapandi Town Panchayat, Veerapandi,
Theni District.



WEB COPY



W.P(MD)Nos.10743 to 10746 of 2023

B.PUGALENDHI, J

vrn

Common Order made in
W.P(MD) Nos. 10743 to 10746 of 2023
and
WMP(MD) Nos.9461,9462,9464 & 9467 of 2023

07.07.2023