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W.P.(MD).No.15943 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15943 of 2021

I.Bhavani

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Deputy Director,
Madurai Local Planning Authority,
Madurai District, Madurai.
- 3.The Block Development Officer
[Village Panchayat],
Thirupparankundram,
Madurai District.
- 4.The President,
Erkudi-Achampathu Village Panchayat,
Achampathu, Madurai South Taluk,
Madurai District.
- 5.P.Jeyakumar



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6. Director of Town and Country Planning,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai-600 017.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the 2nd and 3rd respondents to cancel the layout approval granted to the 5th respondent vide proceedings in Na.Ka.No.70/2018/TI2, dated 18.01.2018, by considering the petitioner's representation dated 16.07.2021.

For Petitioner	: No appearance
For R1 to 4	: Mr.A.K.Manikkam Special Government Pleader
For R5	: Mr.M.Subash Babu Senior Counsel for Mr.C.Sasi Kumar

ORDER

This writ petition is filed for writ of ***Mandamus***, to direct the 2nd and 3rd respondents to cancel the layout approval granted to the 5th respondent vide proceedings, dated 18.01.2018, by considering the petitioner's representation dated 16.07.2021.



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2.The learned Counsel for the 5th respondent submitted that the layout approval was granted to 5th respondent by the Block Development Officer. Once the approval is granted the Block Development Officer has no revision power to revise the same. The petitioner ought to challenge the layout approval by way of filing an appeal to the appropriate authority. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that the Block Development Officer himself is not having power to grant approval.

3. It is seen that under Section 5(4) of the Tamil Nadu Regularization of Unapproved Plots and Layouts Rules, 2017, the Block Development Officer is also one of the authorities to approve unapproved layouts as well. Therefore, the appropriate remedy is to file an appeal before the Director of Town and Country Planning.

4.The petitioner is directed to file an appeal to the Director of Town and Country Planning within a period of four weeks from the date of



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receipt of a copy of this order, thereafter, the Director shall consider the appeal within a period of twelve weeks therefrom.

5. Since the Director of Town and Country Planning is not a party in this writ petition, this Court is suo motu impleading the Director of Town and Country Planning as 6th respondent.

6. With the above said observation and directions, the writ petition is disposed of. No costs.

27.09.2023

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



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S.SRIMATHY, J.

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