



W.P(MD)No.25846 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25846 of 2022

and

W.M.P.(MD)Nos.19978 and 19980 of 2022

J.Kumar

... Petitioner

Vs.

1.Member Secretary / Joint Director,
Tirunelveli Local Town Planning Committee /
District Urban Development Office,
Southern Bypass Road, Tirunelveli - 5.

2.The Inspector of Police,
Land Grabbing Cell,
Tirunelveli Junction,
Tirunelveli 627 001.

3.Porkodi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Na.Ka. No.2661/2020/THM3 dated 19.09.2022 and quash the same and consequently direct the 1st respondent to grant DTCP approval to the petitioner for the property in S. No.682/1, 682/1A, 682/1A5, 684/1A ad-measuring 4 acres 55 cents in T.S. Ward BF, Block 4, Town Survey No.75 and 76, Piranthankulam, Palayamkottai Village.



W.P(MD)No.25846 of 2022

For Petitioner : Mr.G.Rajagopalan,
For Mr.Om Sai Ram

For Respondents : Mr.S.Siddharthan,
Addl. Government Pleader for R1.
MrB.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.
Mr.B.Prasanna Vinoth for R3.

ORDER

Heard the learned senior counsel for the writ petitioner, the learned Additional Government Pleader for the first respondent, the learned Government Advocate (Crl. Side) for the second respondent and the learned counsel for the third respondent.

2.The writ petitioner has submitted an application before the first respondent for developing the petition mentioned property. The third respondent herein claims that she is the true owner of the property and that she has given a complaint before the second respondent. Crime No.25 of 2020 was registered on the file of the second respondent. The third respondent has also filed O.S.No.168 of 2022 on the file of Additional Sub Court, Tirunelveli in respect of the very same property. The suit is still pending. In this background, the first respondent has informed the petitioner that in view of the allegations of



W.P(MD)No.25846 of 2022

land grabbing made against the petitioner, further action has not been taken and that the petitioner's application has been put on hold. Information to that has been passed on to the writ petitioner vide communication dated 19.09.2022.

3.In my view, the petitioner has only been furnished with certain information. No order having legal consequence has been passed. The first respondent is therefore directed to conduct an enquiry on the petitioner's application and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The first respondent shall hear the third respondent before passing final order.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.25846 of 2022

G.R.SWAMINATHAN, J.

ias

To:

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W.P(MD)No.25846 of 2022

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(3/3)