



W.P.No.10637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.10637 of 2024

S.Arthi

.. Petitioner

Versus

1. The Secretary to the Government
Department of Town and Country Planning
C & E, Market Road
Koyambedu,
Chennai-600 107.

2. The Assistant Director
Directorate of Town and Country Planning
No.134/4, Mariamman Koil 10th Street
Manlurpet Road,
Thiruvannamalai.

3.N.Rajasekar

..Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to conduct enquiry on the representation of the petitioner dated 18.02.2024 and reject the application of the 3rd respondent seeking for layout approval, for the lands to an extent of 10.03 acre, in Survey Numbers Nos. 3/1A2,3/1A3, 3/1C1,3/1C3 and 2/3 in Kosalai Village and pass orders.



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For Petitioner

: Mr.K.Mahendran

For Respondents

: Mrs.C.Meera Arumugham
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the second respondent to conduct enquiry on the representation of the petitioner dated 18.02.2024 and reject the application of the 3rd respondent seeking for layout approval, for the lands to an extent of 10.03 acre, in Survey Numbers Nos. 3/1A2,3/1A3, 3/1C1,3/1C3 and 2/3 in Kosalai Village and pass orders.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The facts of the case is that the father of the petitioner pledged the subject property with one Mr.Balasubramanian and borrowed loan in the year 2009 and he was also regular in payment of interest. In the year 2018 the said Mr.Balasubramanian threatened petitioner's father and



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demanded huge amount to re-convey the property. Thereafter, petitioner's father lodged a complaint before the Inspector of Police, Land Grabbing Cell, Thiruvannamalai, but no action was taken till date. Hence, the petitioner's father filed Crl.M.P.No.148 of 2021 before the Judicial Magistrate No.1, Thiruvannamalai. But no action was taken. Thereafter, regarding the said issue O.S.No.17/2021 was filed before the District Court, Thiruvannamalai seeking a relief of declaration. Thereafter, the petitioner's father passed away on 26.04.2021. The sum and substance of the case is that due to non-functioning of Covid-19 there was delay in passing orders in the above O.S. Taking advantage of the situation the said Balasubramanian produced some forged documents and obtained patta fraudulently. Due to the said impact the petitioner sold a part of the land to the third respondent and also applied for layout approval. Pursuant to which the third respondent had applied for layout approval. Hence, the petitioner has given a representation to the second respondent on 18.02.2024 but the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to



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consider the petitioner's representation dated 18.02.2024 and pass orders.

Hence this petition.

5. The learned Additional Government Pleader appearing for the respondent submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 18.02.2024 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the concerned parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

However, it is left open to the petitioner to ventilate his grievance by filing a appropriate petition before the Competent Civil Court.



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7. With the aforesaid direction, this Writ Petition stands disposed
of. No costs.

22.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

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V.BHAVANI SUBBAROYAN, J.



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