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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

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

W.P.No.17206 of 2024

N. Kavitha

.. Petitioner

Versus

1. The Director,
Tamil Nadu Town and Country Planning Department,
Third and Fourth Floor, CMDa Complex,
E and C Market Salai,
Koyambedu, Chennai – 600 107.

2. The Deputy Director/ Member Secretary
Kancheepuram District/Local Town and
Country Planning Office,
No.331/95, Kottrampalayam Street,
Near Rangasamy Kulam,
Kancheepuram – 631 501.

3. The Commissioner,
Kancheepuram Corporation,
Kancheepuram – 631 501

...Respondents



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Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to take up the appeal dated 27.10.2021 on their file and conduct an enquiry after giving opportunity to the petitioner and dispose off the said appeal dated 27.10.2021 in accordance with law and pass orders.

For Petitioner : Mr.Shivakumar and Suresh

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This petition is filed to seeking to issue a writ of Mandamus writ of Mandamus directing the first respondent to take up the appeal dated 27.10.2021 on their file and conduct an enquiry after giving opportunity to the petitioner and dispose off the said appeal dated 27.10.2021.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



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3. The case of the petitioner is that the petitioner is the owner of two plots of vacant land measuring 2201 sq.ft & 2695 sq.ft totalling to 4896 sq feet in Survey No. 593/20 and 593/21 in Sevalimedu Village, Kancheepuram District. The Member Secretary, Kancheepuram Local planning officer granted permission to the petitioner vide letter dated 01.02.2018 stating that it is a residential plot in S.No.593/20 and 593/21 to an extent of 4896 Sq feet. The petitioner had also obtained information under RTI Act from Kancheepuram Municipality vide letter dated 18.07.2013 for Layout no.59 of 1975 for S.Nos.593/20 593/21 wherein, it has been stated that there is no records and Gift Deed in respect of Survey No. 593/20 and 593/21 . When this being the case, the second respondent based on a complaint dated 06.02.2019 from Iyappan Nagar residential Association against the petitioner stating that the Children's Park is located in the subject property and called the petitioner for an enquiry and the petitioner also appeared for the enquiry and produced the relevant records. Pursuant to which the second respondent had passed an order dated 21.05.2019 wherein, it was held that a Children's Park is found in the petitioner's land. Aggrieved over the said



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order the petitioner preferred an appeal before the first respondent on 27.10.2021. However, there is no progress in the said appeal. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to dispose petitioner's appeal dated 27.10.2021 and pass orders.

5. The learned Government Advocate appearing for the Respondents submitted that the appeal is pending for more than 3 years and the petitioner has not filed relevant documents to substantiate his case either before the authorities concerned or before this Court.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, directs the first respondent to consider the petitioner's appeal dated 27.10.2021 and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. **It is made clear if the subject property is ear marked for Children's Park, the first**



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and second Respondents are directed to consider the same before passing orders

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

01.07.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

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V.BHAVANI SUBBAROYAN, J.

smn

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