



W.P.No.19371 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19371 of 2021
and W.M.P.No.20665 of 2021

K.Damodaran

...Petitioner

-Vs-

1. The State of Tamilnadu,
Rep. by its Secretary,
Municipal Administration Department,
Fort St. George,
Chennai – 600 009.
2. The Director or Municipal Administration,
Chepauk, Chennai – 600 005.
3. The Commissioner,
Vellore Corporation,
Vellore -1.
4. The Assistant Commissioner/
Zonal Officer,
Zone 2, Vellore Corporation,
Sathuvachari,
Vellore – 9.
5. The Assistant Engineer,
Zone 2, Vellore Corporation,
Sathuvachari,
Vellore – 9.



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6. A.M.Ramalingam

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to develop the plot Nos. 1 to 40 situated in Vellore Town, Vellore City, Vellore District, comprised in S.Nos.2930, 2933, 2934, 2935, 2936, 2937, 2938, 2939, by laying the roads, develop the park, laying the water and sewerage lines, etc., in approved layout Nos.582 of 1992 granted by the Director of Town and Country Planning, Vellore vide File No.3682/92 LA3 in all respects in accordance with the Vellore City Municipal Corporation Act.

For Petitioner	: Mr.P.C.Harikumar, For M/s.P.C.Harikumar and Associates
For Respondents	
For R1 & R2	: Mr.S.Rajesh Government Advocate
For R3 to R5	: Mrs.P.Shanthi
For R6	: Ms.Keerthana R. Shenoi

ORDER

This writ petition has been filed for direction directing the respondents 1 to 5 to develop the plot Nos. 1 to 40 situated in Vellore Town, Vellore City, Vellore District, comprised in S.Nos.2930, 2933, 2934, 2935, 2936, 2937, 2938, 2939, by providing the roads, park and laying the water and sewerage lines, etc., as per the approved layout No.582 of 1992 on the file of the Director of Town and Country



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Planning, Vellore vide File No.3682/92 LA3 in all respects in accordance with the Vellore City Municipal Corporation Act.

2. In the approved lay out, there are 40 plots comprised in survey Nos.2930, 2933, 2934, 2935, 2936, 2937, 2938, 2939 situated at Vellore Town, Vellore City, Vellore District. The petitioner had purchased the plot No.33 by the registered sale deed dated 02.01.1998 registered vide document No.7 of 1998. Thereafter, the petitioner was issued with patta and applied for planing and building permission and the same was granted on 21.03.2012. Accordingly, the petitioner had constructed his house without any deviation and also obtained water connection from the third respondent. The petitioner's house has been assessed for property tax, water and sewerage tax. Thereafter, the entire lay out has been merged with the Vellore Corporation. However, the respondents 1 to 5 failed to develop the lay out by laying roads, development of par, water and sewerage connection and other amenities, for the approved lay out. Therefore, the petitioner submitted representation. Since the same was not considered the petitioner filed the present writ petition with the above prayer.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter filed by the third respondent and on the submission made by the learned counsel appearing for the respondent revealed that originally the said lay out was approved and subsequently it was cancelled by the proceeding in Roc.No.27337/2005/LA2 dated 02.02.2016, on the ground that the developer failed to execute gift deed in respect of the reserved land for road, park, open space reservation for public purpose. Therefore, the entire lay out is an unapproved lay out. However, they granted planning and building permission and accordingly, he constructed his house. The petitioner's house has been assessed with property tax, and it was also provided with water service connection.

5. However, the learned counsel appearing for the petitioner disputed that the petitioner's house is not provided with any water and sewerage connection. Though the respondents 1 to 5 are not in a position



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to develop the lay out, since no property has been gifted in their favour,
the petitioner is entitled for water service connection and other amenities.

Therefore, the fifth respondent is directed to provide water service connection to the petitioner's house forthwith.

6. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

28.10.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts

To

1. The Secretary,
State of Tamilnadu,
Municipal Administration Department,
Fort St. George,
Chennai – 600 009.
2. The Director or Municipal Administration,
Chepauk, Chennai – 600 005.
3. The Commissioner,
Vellore Corporation,
Vellore -1.



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4. The Assistant Commissioner/
Zonal Officer,
Zone 2, Vellore Corporation,
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Vellore – 9.
5. The Assistant Engineer,
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