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W.P.No.19182 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19182 of 2024

P. Nagarani

...Petitioner

Vs

1.The Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C&E Market road,
Koyambedu, Chennai – 600 107.

2. The Assistant Director,
District Town and Country Planning,
34, Tamil Muthu Nagar,
Kondur, Cuddalore District- 607 006.

3. Mr.C.R. Jayashankar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents one and two to consider the petitioner's representation dated 13.02.2024 and thereby cancelling the Regularization No.R1007/2018 granted in favour of the 3rd respondent with regard to 'Amma Nagar' Layout forthwith who had intentionally and purported ascertained fraudulently and included the petitioner's property measuring an extent of 2200 sq.ft., comprised in old Survey No.311/9, Block No.116, Ward E, Virudhachalam Town, Virudhachalam Taluk, Cuddalore District and pass orders.



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For Petitioner : Mr. S.L. Sudarsanam
For Respondents : Mr.N. Naveen Kumar
Government Advocate
ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first and second respondents to consider the petitioner's representation dated 13.02.2024 and thereby cancelling the Regularization No.R1007/2018 granted in favour of the 3rd respondent with regard to 'Amma Nagar' Layout forthwith who had intentionally and purported ascertained fraudulently and included the petitioner's property measuring to an extent of 2200 sq.ft., comprised in old Survey No.311/9, Block No.116, Ward E, Virudhachalam Town, Virudhachalam Taluk, Cuddalore District.

2. Mr.N. Naveen Kumar, Government Advocate takes notice for the first and second Respondents. 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. Since no adverse orders is passed against the private respondent notice to private respondent dispensed with.

4. The case of the petitioner is that he is the absolute owner of the property measuring to an extent of 1100 sq.ft, comprised in Old Survey No.311/9, Block No.116 Ward E, Virudhachalam Town, Virudhachalam Taluk, Cuddalore District. The sum and substance of the case is that the 3rd respondent herein had purchased the land comprised in Survey No.310/2 measuring Acre 1.50 cents out of acre 4.24 cents and he has obtained DTCP under Regularization scheme of an un-approved lay out having Regularization No.R1007/2018 for the said lands. The grievance of the petitioner is that the 3rd respondent has included the petitioner's land situated in Old Survey No.311/9, Block No.116 Ward E, Virudhachalam Town, Virudhachalam Taluk, Cuddalore District measuring to an extent of 1.50 acres for obtaining regularization under the said scheme. But the fact remains that the petitioner's property should not form part and parcel of the illegal layout as the petitioner has purchased the property from one Mr.Venkatesan and not from the third



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respondent. Hence, the petitioner gave a representation to the first and second respondents on 13.02.2024 to cancel the Regularization no.R1007/2018 granted in favour of the third respondent. However, the respondents have not taken any action till date. Hence, this petition.

5. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first and second respondent to consider petitioner's representation dated 13.02.2024 and pass orders.

6.The learned Government Advocate appearing for the official respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the first and second respondents to consider the petitioner's representation dated 13.02.2024 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the



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concerned parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

16.07.2024

Index: Yes/No

Speaking order/Non-speaking order
smn

To

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2. The Assistant Director,
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V.BHAVANI SUBBAROYAN,J.

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