



WEB COPY

W.P.No.19149 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19149 of 2024

K.Jagadeesan

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Petitioner

vs

The Secretary.

Housing and Urban Development Department

Fort St.George,

Chennai – 9.

2.The Deputy Director of Town and Country Planning
Office of the District Town and Country Planning
Tiruppur District.

3.The District Collector
Tiruppur District.

4.The Joint Director
Agricultural Department
Tiruppur District.

5.The Tahsildar
Dharapuram Taluk

6.The Block Development Officer
Dharapuram, Tiruppur District.

7.The Dhalavoipattinam Panchayat
Rep by its President
Dhalavoipattinam Village
Dharapuram Taluk, Tiruppur District.



8.P.Murugesan

9.M.Shanmugam

...

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 first respondent to dispose of the appeal dated 11.03.2024 filed under Section 79 of Town and Country Planning Act within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.N.Naven Kumar,
Govt Adv. For R1 to R5.
Mr.N.R.R.Arun Natarajan,
Spl.GP for R6 & R7.

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. The case of the petitioner is that he is owning a land to an extent of 1.40acres in RS.No.141 Dhalavoipattinam Village, Dharapuram Taluk, Tiruppur District and running a Bricklin chamber from the year 2007. During 2019, one Murugesan and Shanmugam purchased agricultural lands in RS.No.146 adjacent to the petitioner's land and requested to petitioner to sell some small portion of land for pathway, the petitioner also registered



the same in Doc.No.8014/2020 dated 31.10.2020 on the file of Sup Registrar, Dharapuram. Thereafter, the cheque given by them was dishonoured and the suit in OS.No.229 of 2022 on the file of District Munsif, Dharapuram was filed. Immediately, the respondents 8 & 9 converted the land into house site and got approval in Ma.Va/Na.U.(Thi.Maa)No.303/2021 dated 25.11.2021. As per the guidelines issued by this Court in WP.No.1064 of 2009, the petitioner is operating the bricklin which is two kilometers away from the residential area. The respondents obtained approval without disclosing the fact that water stream to the agricultural land of the petitioner during rainy seasons. The respondents 8 & 9 returned the pathway land to the petitioner in RS.No.146. The petitioner made a representation dated 25.01.2023 to the DTCP, Tiruppur/2nd respondent seeking for cancellation of layout approval and filed WP.No.11861 of 2023 and the same was disposed of on 18.04.2023 directing the respondents to consider the representation within eight weeks. Thereafter, the petitioner made another representation on 21.07.2023 to the 2nd respondent. In turn, the 2nd respondent rejected the representation by an order dated 05.12.2023 in Na.Ka.No.1406/2023/Thima. Challenging the same, the petitioner filed WP.No.1534 of 2024, this Court by an order dated 31.01.2024 directed the petitioner to avail alternative



remedy. Subsequently, the petitioner preferred an appeal under Section 19 of Town and Country Planning before the 1st respondent on 11.03.2024. Hence, left with no other option the petitioner filed the present petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the official respondents and perused the materials available on record.

4. It is seen from records that the petitioner's Bricklin is located 2kms away from the residential area and the petitioner apprehends that the proposed layout approval obtained by the respondents 8 & 9 by suppressing the actual facts will lead to closure of the bricklin in future, if the layout is fully developed. The stream carrying rain water for agricultural purpose in the layout in RS.No.146 has been destroyed by the respondents 8 & 9. The above discrepancies have not been considered into by the authorities before approving the layout for residential purposes.

5. In view of the above, this Court directs the first respondent to consider the representation of the petitioner's dated 21.07.2023 and the appeal filed under Section 79 of Town and Country Planning dated 11.03.2024 and pass appropriate orders, after giving due opportunity of



personal hearing to the petitioner and the respondents 8 and 9 within a period of twelve weeks from the date of receipt of a copy of this order.

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6. This Writ Petition is disposed of accordingly. No costs.

18.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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5/7



Dharapuram Taluk
Tiruppur District.

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W.P.No.19149 of 2019





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V.BHAVANI SUBBAROYAN, J.

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