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W.P.No. 23623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

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

W.P.No.23623 of 2024

Geetharani

Represented by her Power Agent

S.Gunasekaran

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Petitioner

Vs

1. The Regional Director,
Town and Country Planning,
No.6, Sannathi Street,
Subramania Nagar, Suramangalam,
Salem – 636 005.

2. The Block Development Officer,
Katheri Village Panchayat,
Sankari Panchayat Union,
Sankari Taluk, Salem District.

3. The Administrative Officer cum
Panchayat President, Katheri Panchayat,
Katheri Vattaram, Katheri Panchayat,
Sankari Taluk,
Salem District.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent dated



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16.09.2023 and quash the same and consequently issue direction directing the third respondent to grant building plan permission by considering petitioner application dated 02.08.2023.

For Petitioner	: M/s.S.Kumudha
For R1	: Mr.S.Arumugam Government Advocate
For R2 & R3	: Mr.T.M.Rajangam Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 16.09.2023, thereby rejected the building plan permission sought for by the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner purchased a property admeasuring 5400 sq.ft from one Varudharajan, who is the power agent of one Parvatham, by a registered sale deed dated 5317 of 2013. The said property, comprised in Survey Nos.640/2, 640/4, 641/1, 641/2, 641/3 and 642/3 admeasuring an extent of 10.82 acres, was originally owned by one Trust, viz., Nataraja Dhanalakshmi Trust. In turn, it sold out a portion of the property



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comprised in Survey No.641/1 admeasuring 10800 sq.ft. in favour of Marimuthu, Selvaraj and Jagannathan, registered vide document No.1489 of 1995 on 25.05.1995. In turn, they sold out the said property in favour of one Parvatham registered vide document No.5639 of 2011 on 19.08.2011. In turn, she sold out a portion of the property to the petitioner through her power agent.

4. Thereafter, the petitioner decided to construct a house in the said property and applied for building plan approval before the second and third respondents. However, it was rejected on the ground that the layout was approved for the subject property as per the layout No.24/85 and by its proceeding No.1759 of 1985, in which the subject property was ear marked as children playground. Further, the said property was gifted in favour of the local authority by way of a Gift Deed dated 31.07.2007 registered vide document No.3126 of 2007. Therefore, the application submitted by the petitioner for building plan approval was rightly rejected by the third respondent.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent dated 16.09.2023.



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Thus, the writ petition lacks merits and it is liable to be dismissed.

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Accordingly, this writ petition stands dismissed. No costs.

19.08.2024

Internet : Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN, J.

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