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W.P.No. 20743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

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

W.P.No.20743 of 2024

L. Jayamani

.. Petitioner

Versus

1. The Director,
Town and Country Planning, Chennai
Directorate of Town and Country Planning,
2nd Floor, E&C Market Road, Koyambedu,
Chennai – 600 107.

2. The Deputy Director,
Town and Country Planning,
Erode.

3. T. Nagaraj

4. P. Lingeswaran

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to dispose the appeal dated 01.07.2024 filed along with delay and stay petition within the stipulated time and pass orders.

For Petitioner

: Mr.V. AnandhaMurthy

For Respondents

: Mr.A.M. Ayyadurai
Government Advocate



W.P.No. 20743 of 2024

WEB COPY

ORDER

This petition is filed to seeking a direction directing the first respondent to dispose the appeal dated 01.07.2024 filed along with delay and stay petition.

2. Mr.A.M.Ayyadurai, Government Advocate takes notice for the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3.The facts of the case are that one Arumugam/deceased have share over the subject property and the petitioner herein is the legal heirs of the deceased. Hence, the petitioner have right over the subject property and there was some dispute with regard to partition in the subject property. When this being the case the second respondent without verifying the records approved the lay out plan vide order dated 28.11.2023. The grievance of the petitioner is that any alienation or conversion on the physical features of the subject properties before adjudicating the petitioner's legitimate claim for partition would lead to



W.P.No. 20743 of 2024

WEB COPY

further complications and petitioner's legal right over the subject property is greatly affected. Aggrieved over the order passed by he second respondent the petitioner filed an appeal before the first respondent under Section 79 of Town and Country Planning Act, along with stay petition and delay petition. 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 of the appeal filed by the petitioner on 01.07.2024 and pass orders.

5. 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.

6. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the delay petition and thereafter dispose the appeal filed by the petitioner after conducting an



W.P.No. 20743 of 2024

WEB COPY

enquiry by affording reasonable opportunity of hearing to the petitioner as well as the concerned parties and pass orders within a period of sixteen weeks from the date of receipt of a copy of this Order.

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

24.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1. The Director,
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Directorate of Town and Country Planning,
2nd Floor, E&C Market Road, Koyambedu,
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2. The Deputy Director,
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W.P.No. 20743 of 2024

V.BHAVANI SUBBAROYAN, J.

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W.P.No.20743 of 2024

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