



W.P.No.22910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22910 of 2024
and
W.M.P.No. 24948 of 2024

Vasanthi

... Petitioner

Vs

1. The District Collector,
Salem District,
Salem.

2. The Assistant Director,
Town and Country Planning,
Salem District Town and Country Planning,
Salem Steel Plant Main Road,
Thalavaipatti & Post,
Salem District.

3. S.Rajkumar

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's proceedings in Na. Ka. No. 647/2024/SoMa-3 dated 17.04.2024 and quash the same and directing the second respondent to consider the petitioner's objection dated 10.04.2024.



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For Petitioner : Mr. Mr. V.Vaidhyalingam,
for Mr. C.S.Loganathan

For Respondents : Mr. C.Kathiravan,
Special Government Pleader (for R1 & R2)

ORDER

This Writ Petition is filed challenging the order dated 17.04.2024, passed by the second respondent, thereby rejecting the objections raised by the petitioner, for granting approval on the application submitted by the third respondent.

2. The petitioner's husband had sold their family property, to an extent of 1.60 cents, comprised in Survey No. 54/6, in favour of one S.K. Madeshwaran. In the said sale deed, it was clearly stated that the land constituting the public road had not been sold, except for the right to pass through the same. The said land was once again purchased by the third respondent. After purchasing the said land, the third respondent intended to develop the said land into house plots and applied for approval before the second respondent. The approach road falls adjacent to the land owned by the petitioner, admeasuring 20 feet in breadth from North to South, facing



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North from the main road leading to Kottavadi to Athanurpatti. Therefore, the petitioner raised objections before the second respondent.

2.1. That apart, the petitioner also filed a suit in O.S. No. 275 of 2022, on the file of the District Munsif Court, Aathur, for a permanent injunction restraining the third respondent from encroaching on the common pathway, which is still pending. On receipt of the objections from the petitioner, the second respondent issued a show cause notice and passed an order stating that Survey No. 54/6A1 does not form an approach road to the proposed layout. However, the petitioner was not served with the proposed layout plan.

3. The learned counsel for the petitioner submitted that if the proposed layout had been served on the petitioner, he could understand whether the common pathway comes under the proposed layout or not.

4. In view of the above submissions, the second respondent is directed to serve the proposed layout plan to the petitioner, showing that the



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common pathway comprised in Survey No. 54/6A1 does not form an approach road to the proposed layout, forthwith. Till then, the second respondent is directed not to approve the layout submitted by the third respondent.

5. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

07.08.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The District Collector,
Namakkal District,
1st Floor, Collectorate,

4/6



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Tiruchengode Road,
Namakkal – 637003.

2. The Assistant Director (Panchayats),
Namakkal,
Namakkal District Collectorate,
Tiruchengode Road,
Namakkal – 637003.
3. The Block Development Officer,
Village Panchayat Union,
Rasipuram Division,
Namakkal District.



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G.K.ILANTHIRAIYAN, J.

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