



W.P.No.24116 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24116 of 2019

A.Rajivgandhi

... Petitioner

Vs.

1.The Assistant Director of Town and
Country Planning,
Villupuram Region,
TADCHO Building,
G.H.Road,
Villupuram District – 605 602.

2.The Block Development Officer,
Office of the Block Development Officer,
Mangalur Block,
Cuddalore District.

3.M.mani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first and second respondents to consider and pass orders on the petitioner's representation dated 27.07.2019.



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For Petitioner : Mr.G.Balamanikandan

For Respondents :

For R1 : M/s.R.L.Karthika
Government Advocate

For R2 : Mr.K.Suresh
Government Advocate

For R3 : M/s.C.M.Logeshwari
for Mr.S.Senthilnathan

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first and second respondents to consider and pass orders on the petitioner's representation dated 27.07.2019.

2. The case of the petitioner is that his father owned the subject property measuring to an extent of 0.10 Cents comprised in Survey No.95/2 situated at Ja.Eanthal Village, Veppur Taluk, Cuddalore District. After the demise of his father, being the legal heirs, the petitioner and his brother have been in open, joint possession and enjoyment over the subject property. On 11.06.2019, the petitioner served with a Lawyer Notice that he entered into an Agreement for sale dated 22.11.2017 with the third



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respondent and on his request, the third respondent obtained layout approvals from the first respondent on 24.04.2019 and also obtained approvals from the second respondent vide his proceedings in Na.Ka.No.3/98/2019 dated 29.05.2019. The said notice was duly replied by the petitioner on 10.07.2019. The petitioner submitted that the third respondent with a *mala fide* intention to grab property, by forging his signature, obtained approvals from the official respondents as if the petitioner has entered into an Agreement for sale dated 22.11.2017 with the third respondent.

3. The further case of the petitioner is that on 22.07.2019, though he made an application under the Right to Information (RTI) Act, 2005 to the second respondent to furnish the layout approval proceedings and other informations, the second respondent refused to furnish the same. The petitioner has made a complaint on the same day i.e., on 22.07.2019 to the District Superintendent of Police, Villupuram District, to take action against the third respondent. Further, the petitioner sent a representation dated 27.07.2019 to the official respondents to cancel the layout approvals and to send the applications and other documents for expert opinion of



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signatures. However, till date, his representation dated 27.07.2019 neither been considered not been materialized by the official respondents. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner has given representation as early as 27.07.2019 to the official respondents and the same is not disposed of till date.

5. In view of the above submission made by the learned counsel appearing for the petitioner, the first respondent is directed to consider the representation dated 27.07.2019 of the petitioner, after conducting a detail inquiry, after giving due notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by observing the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above observations and directions. No costs.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

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J.SATHYA NARAYANA PRASAD, J.

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