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W.P.No.26104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.26104 of 2024
and W.M.P.No.28512 of 2024

1. P. Savitha
2. Vimala
3. Parimala

... Petitioners

Vs.

1. The Deputy Director,
Tamil Nadu Town and Country
Planning Department,
No.6, Sannadhi Street,
Subramani Nagar,
Salem 636 005.
2. The President
Vaikundam Village Panchayat
Vaikundam Village,
Vaikundam Post
Sankagiri Taluk
3. M. Naveenkumar
4. C. Sugumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the 1st respondent to consider the representation dated 27.07.2024 of the petitioners and to cancel the technical



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concurrency / approval dated 21.03.2024 granted vide the proceedings in ROC No.SLM/UEZL01S9/20492/2023/2024/TCP for the lay-out of plots by 3rd respondent in S.F.No.354/2B2C4 of Vaikundam Village, Sankagiri Taluk.

For Petitioner : Mr.M.Velan

For Respondents : Mrs.S.Anitha
Spl. Govt. Pleader for R1 & R2

ORDER

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 27.07.2024 of the petitioners and to cancel the technical concurrence / approval dated 21.03.2024 granted vide the proceedings in ROC No.SLM/UEZL01S9/20492/2023/2024/TCP for the lay-out of plots by 3rd respondent in S.F.No.354/2B2C4 of Vaikundam Village, Sankagiri Taluk.

2. According to the petitioners they are one of the sharers of the property situated at S.No.354/2B2C4 at Vaikundam Village as per the judgment and decree dated 30.09.2002 in O.S.No.6 of 1996 on the file of the District Munsif Court, Sankagiri. While so, the 3rd & 4th respondents created a fraudulent sale deed and obtained technical concurrence/planning permission from the 1st



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respondent and submitted the same to the 2nd respondent for layout approval.

On 26.06.2024, the petitioners submitted their representation objecting to the approval stating that the 3rd & 4th respondents who were lis pendens purchasers suppressed material facts and obtained technical concurrence / planning permission from the 1st respondent thereby jeopardising third party interests. Though the representation was received by the 1st respondent on 02.07.2024 there was no reply from the 1st respondent. Thereafter, once again the petitioners submitted a representation before the 1st respondent on 27.07.2024 to cancel the technical clearance and as there was no response the petitioners filed the present writ petition to direct the 1st respondent to consider the representation dated 27.07.2024 of the petitioners and to cancel the technical concurrence issued in the name of the 3rd respondent for the land situated in S.No.354/2B2C4 at Vaikundam Village.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioners representation dated 27.07.2024 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.



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4. The learned Special Government Pleader appearing for the respondents 1 & 2 submitted that she has no objection to the said submission.

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

6. Taking into consideration the limited submission of the petitioners counsel, this Court without going into the merits of the case, directs the first respondent to consider the petitioners representation dated 27.07.2024 after affording an opportunity of hearing to the petitioners and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

09.09.2024

dpq

Index : Yes /No

Speaking Order : Yes/No



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N. MALA, J.

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