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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33648 of 2024
and
W.M.P.No.36420 of 2024

D.Rajkumar

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai – 600 107.
- 3.The Joint Director,
Coimbatore District Town and Country Planning Office,
1st and 2nd Floor, Door No.50,
FCI Road, Gandhi Maangar, Ganapthi,
Coimbatore – 641 004.
- 4.The Collector,
Coimbatore District,
Collectorate Building,
Coimbatore – 641 018.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 25.07.2024 bearing file no. SWP / BPA 283036/ 2024 /TCP issued by the 3rd respondent and quash the same as illegal, and further direct the Respondents to consider the representation of the petitioner dated 17.10.2024 in light of the G.O. (Ms) No.07 dated 13.01.2024 issued by the 1st Respondent and issue planing permission for construction of the proposed building on the land admeasuring 30 cents comprised in S.No. 576/2B, Arasur Village, Suler Taluk, Coimbatore in favour of the Petitioner.

For Petitioner .. Mr.B.Anandan

For Respondents .. Mr.T.Chandrasekaran,
Special Government Pleader.

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 25.07.2024 in File No.SWP/BPA/283036/2024/TCP issued by the 3rd respondent, the Joint Director, Coimbatore District Town and Country Planning Office, Coimbatore and to quash the same and to direct the respondents to consider



the representation dated 17.10.2024 in accordance with G.O.(Ms) No.07 dated 13.01.2024 issued by the 1st respondent, the Principal Secretary to Government, Housing and Urban Development Department, State of Tamil Nadu and grant planning permission to construct proposed building on land measuring 30 cents in S.No.576/2B, Arasur Village, Suler Taluk, Coimbatore.

2.In the affidavit filed in support of the writ petition, the petitioner had stated that he is in the business of manufacturing industrial packing liner bags and rolls made of low density polyethylene and high density polyethylene and supplying the same to industries in and around Coimbatore. He has a sole proprietorship concern called M/s. S.R.Industries. He claims that the land aforementioned in S.No.576/2B, Arasur Village, Suler Taluk, Coimbatore, measuring about 30 cents had been purchased by him and by his wife by a sale deed dated 21.01.2023 registered as Document No.835 of 2023 registered in the office of the Sub-Registrar, Suler. He had given an application seeking conversion of the said land from agricultural land to industrial land taking advantage of G.O.(Ms) No.7 dated 13.01.2024. The application given by the petitioner, however came to be rejected by the 3rd respondent on the ground that there was an approved



Master plan.

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3. On the side of the respondents, however further instructions had been obtained in writing that, the proposal to convert the lands had been put into effect and a modified Master plan is now pending with the Government.

4. Unless the Government takes a decision, the 3rd respondent cannot pass any effective order. But the 3rd respondent could have kept the application of the petitioner pending and awaited further orders from the Government. The hasty rejection calls for interference by this Court. Therefore, the impugned order is set aside. But it is made clear that the application of the petitioner dated 17.10.2024 must be kept pending in the office of the 3rd respondent who must await further orders of the Government and depending on the nature of the order, pass fresh orders on the application of the petitioner. While passing such fresh orders, the 3rd respondent is under an obligation to issue notice to the petitioner and also give him an opportunity of being heard. If the petitioner is aggrieved by any further orders passed, the petitioner is always at liberty to approach any legal forum in manner so advised.



WEB COPY 5. With the above observations, this Writ Petition stands disposed of.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

05.12.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
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2. The Director,
Directorate of Town and Country Planning,
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C.V.KARTHIKEYAN,J.

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