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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN**

**W.P.Nos. 33318, 33321, 33444, 33320 & 33441 of 2024**

|                     |                                      |
|---------------------|--------------------------------------|
| P.Sri Devi          | ... Petitioner in W.P.No. 33318/2024 |
| P.Thirumanikandan   | ... Petitioner in W.P.No. 33321/2024 |
| P.Thirumanikandan   | ... Petitioner in W.P.No. 33444/2024 |
| R.Radha Jayalakshmi | ... Petitioner in W.P.No. 33320/2024 |
| M.Jothi Selvambigai | ... Petitioner in W.P.No. 33441/2024 |

**..Vs..**

1. The Assistant Director  
Town and Country Planning  
Salem Region,  
Thalavaipatti Ooratchi Village  
SalemIrumbaalai Main Road  
S.Kollampatti Post, Salem 636 302.
2. The Commissioner  
Salem City Municipal Corporation  
Salem – 636 001.
3. The Executive Engineer (Project)  
Salem City Municipal Corporation  
Salem – 636 001. ... Respondents in all W.Ps.



**PRAYER IN W.P.No. 33318/2024:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's Application in Reg.No.DTCP/P/0131023/2017/23, dated 15.02.2024 seeking to regularise unapproved plot in T.S.No. 38/11, 38/21 to regularise unapproved plot in T.S.No. 38/11, 38/21 to an extent of 3992 sq. feet sq.feet in Ward AK, Block No.48, Ammapettai Village, Salem – 636 003 within the time limit fixed by this Hon'ble Court.

**PRAYER IN W.P.No. 33321/2024:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's Application in Reg.No.DTCP/P/0126455/2017/23, dated 14.02.2024 seeking to regularise unapproved plot in T.S.No. 38/14 to an extent of 3652 sq. feet in Ward AK, Block No.48, Ammapettai Village, Salem – 636 003 within the time limit fixed by this Hon'ble Court.

**PRAYER IN W.P.No. 33444/2024:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's Application in Reg.No.DTCP/P/0126477/2017/23, dated 14.02.2024 seeking to regularise unapproved plot in T.S.No. 38/16 to an extent of 1418 sq. feet in Ward AK, Block No.48, Ammapettai Village, Salem – 636 003 within the time limit fixed by this Hon'ble Court.

**PRAYER IN W.P.No. 33320/2024:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's Application in Reg.No.DTCP/P/0130986/2017/23, dated 15.02.2024 seeking to regularise unapproved plot in T.S.No. 38/9, 38/18 to an



extent of 3945 sq. feet in Ward AK, Block No.48, Ammapettai Village, Salem – 636 003 within the time limit fixed by this Hon'ble Court.

**PRAYER IN W.P.No. 33441/2024:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's Application in Reg.No.DTCP/P/0131047/2017/23, dated 15.02.2024 seeking to regularise unapproved plot in T.S.No. 38/8, 38/19 to an extent of 1365 sq. feet in Ward AK, Block No.48, Ammapettai Village, Salem – 636 003 within the time limit fixed by this Hon'ble Court.

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For Petitioners in  
all W.Ps. :: Mr. L.Mouli

For 1<sup>st</sup> Respondent in  
all W.Ps. :: Mr. V.Nanmaran  
Additional Government Pleader

For RR 2 & 3 in  
all W.Ps. :: Ms. N.Devi  
Standing Counsel

### **COMMON ORDER**

All the five Writ Petitions are with respect to the same subject matter and therefore, a common order is passed.



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2. As a test case, let me illustrate the facts as stated in W.P.No. 33318 of 2024. Even before proceeding further, it must be stated that all the five Writ Petitioners are members of one family. They have filed a suit for partition earlier and through mediation, their shares had been determined.

3. The Writ Petition in W.P.No. 33318 of 2024 had been filed in the nature of Mandamus seeking a direction to the respondents, particularly, the first respondent to consider the application filed by the petitioner on 15.02.2024 by which application, the writ petitioner sought regularisation of unapproved plots in Ward AK Block No. 48, Ammapettai Village, Salem. Each one of the petitioners had given the plot number in their application and they have also given the area of lands.

4. In the affidavit filed in support of W.P.No. 33318 of 2024, it had been stated that all the five writ petitioners are members of the same family and seeking to divide the property among each of them, had also filed O.S.No. 486 of 2022 before the First Additional District Court at



Salem. A decree was passed through Lok Adalat. Each one of the writ petitioners had been allotted separate tracts of lands. They then filed an application before the first respondent seeking approval of the said plots.

5. Contending that no steps have been taken by the first respondent, this Writ Petition has been filed in the nature of Mandamus seeking a direction to examine and consider the applications.

6. On behalf of the first respondent, instructions have been forwarded wherein it had been stated that each one of the petitioners had filed only their online application but they must also enclose copies of documents which are required to examine the online application seeking regularisation of the unapproved plots.

7. The learned counsel for the petitioner however stated that no specific communication had been issued by the first respondent detailing the nature of documents which the writ petitioners should produce.

8. A status report had been filed on behalf of the second respondent, the Commissioner, Salem City Municipal Corporation,



Salem, wherein it had been stated that the property which is sought for approval is not covered under the purview of G.O.Ms.No. 78 dated 04.05.2017. It had been stated that therefore, the second respondent cannot approve the plots but it is only the first respondent, who has such authority. But however, the first respondent has contended that the applications of the petitioners were bereft of material details and the documents have not been enclosed. In view of this stand taken, the following directions are issued:-

(i) Each one of the five petitioners either by themselves or by authorised representative or authorising others on behalf of them, may approach the office of the first respondent in the first week of January 2025 and the first respondent may detail out the necessary documents to be produced for further consideration of their online application;

(ii) the said documents must be submitted in hard copy by each one of the writ petitioners to the office of the second respondent within a period of 20 days from the date they are informed about the nature of documents so furnished.;

(iii) The second respondent on receipt of the said documents may



forward the same to the first respondent within a period of 10 days from the date on which the documents are submitted by the writ petitioners; and

(iv) On receipt of the entire documents, the first respondent may pass appropriate orders in the application and if required, order the application in manner known to law and follow due procedure as enunciated by law. That particular procedure may be completed within a period of four weeks from the date on which they receive the documents from the office of the second respondent.

9. The Writ Petitions stands disposed of. No order as to costs.

Vsg

12.12.2024

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

**C.V.KARTHIKEYAN, J.**

vsg

To



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**33320 & 33441 of 2024**

**12.12.2024**