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W.P.No.32998 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.32998 of 2019**

Sivakumar

... Petitioner

-Vs-

1. The Member Secretary,  
Salem Steel Factory Pudhu Nagar,  
Development Authority,  
Salem.

2. The Executive Officer,  
Edankana Salai Town Panchayat,  
Salem.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order in மே.எ.ந.க.எண்.91/2018 dated 08.03.2019 issued by the second respondent and quash the same as illegal, incompetent, unconstitutional and consequently direct the second respondent to collect the necessary fees and accord necessary approval approving the layout applied for.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.J.Sudhakaran                                 |
| For R1         | : Mr.V.Manoharan<br>Additional Government Pleader |
| For R2         | : No appearance                                   |



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**ORDER**

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This writ petition has been filed challenging the order passed by the second respondent dated 08.03.2019, thereby rejected the application submitted for layout approval for the land comprised in S.No.126/3B, ad-measuring 2.76 acres situated at Edangana Salai, Sankagiri Taluk, Salem.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent and perused the materials available on record.

3. The petitioner owned land comprised in S.No.126/3B, ad-measuring 2.76 acres situated at Edangana Salai, Sankagiri Taluk, Salem. He applied for layout approval. On receipt of the said application, the first respondent granted prior approval for the layout in the year 2018 on certain conditions. As per the conditions, she have to gift a portion of the land for the purpose of road and parks in favour of the local body. Accordingly, the petitioner executed a gift deed in favour of the second respondent dated 01.02.2019 registered vide Document No.494 of 2019. The petitioner also paid a requisite fees. After payment of necessary fees, the petitioner applied for financial approval before the second respondent. Further, it was rejected, on the ground that the suits in



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O.S.Nos.115 of 2016 and 37 of 2019 are pending.

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4. The learned counsel for the petitioner would submit that both the suits in O.S.Nos.115 of 2016 and 37 of 2019 for repayment of advance money were also dismissed. That apart, another suit was also filed in O.S.No.94 of 2014, on the file of the District Munsif Court, Sankari, as against the petitioner's father in respect of the petitioner's property and the same was also dismissed by the Judgment and Decree dated 13.08.2015. Therefore, dismissal of both the suits in O.S.Nos.115 of 2016 and 37 of 2019 is not an impediment for the second respondent to consider the application filed for layout approval for the subject land.

5. A perusal of records revealed that the suits which are mentioned in the impugned order passed by the second respondent were already dismissed. Even assuming that both the suits are pending, no one has objected the layout approval by producing any Court order. Therefore, mere pendency of the suits as against the subject properties is not an impediment for the second respondent to consider the application for layout approval.

6. In view of the above, the order impugned in this writ petition passed by the second respondent cannot be sustained and is liable to be quashed.



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Accordingly, the impugned order in மே.எ.ந.க.எண்.91/2018 dated 08.03.2019 passed by the second respondent, is hereby quashed. The second respondent is directed to grant final approval for the layout as ordered by the first respondent, within a period of four weeks from the date of receipt of a copy of the order, if not already granted.

7. With the above directions, this writ petition is allowed. There shall be no order as to costs.

29.10.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No  
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To

1. The Member Secretary,  
Salem Steel Factory Pudhu Nagar,  
Development Authority,  
Salem.
2. The Executive Officer,  
Edankana Salai Town Panchayat,  
Salem.

**G.K.ILANTHIRAIYAN. J,**



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