



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM

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

W.P.No.36022 of 2024

M/s.Anisha Plastic,
Rep. by its Partner,
R.Highcourt Raja,
S/o.Ramaramasami,
No.91, Sri Rajaganapathi Nagar,
Kundrathur,
Kancheepuram – 600 069.

.. Petitioner

Vs.

1.The Director of Town and Country Planning,
2nd, 3rd and 4th Floor, E & C Market Road,
Koyambedu,
Chennai – 600 107.

2.The Deputy Director of Town and Country Planning,
No.33J/95, Kottampalayam Street,
Rangaswamy Kular (Old Employment Office),
Kancheepuram – 631 501.

3.The Block Development Officer,
Kundrathur.

4.The President,
Amarambedu Village Panchayat.

.. Respondents



WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 06.03.2024 in accordance with law and on merits of the case within a stipulated time period.

For Petitioner	.. Mr.D.Daniel
For Respondents	.. Mr.S.J.Mohamed Sathik, Government Advocate for R1 and R2 .. Mr.K.H.Ravikumar, Government Advocate for R3 & R4

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking direction against the 2nd respondent, Deputy Director of Town and Country Planning, Kancheepuram to dispose of a representation given by the petitioner on 06.03.2024 within a stipulated time period.

2.In the affidavit filed in support of the Writ Petition, it had been claimed that the petitioner is running a business called M/s.Anisha Plastics along with other partners. The said partnership firm had purchased property in Punja Survey No.546/1D and 546/2 measuring 46 cents and 97 cents



respectively at Amarambedu Village, Padappai Panchayat Union, Sriperumbudur Taluk by a Sale Deed dated 14.02.2020 registered in the office of the Sub-Registrar, Sriperumbudur as Doc. No.970/2020 from Mrs.Vasanth w/o. Murugesan. The petitioner claims that the partnership firm has been in possession of the said property. Patta had been issued by the Revenue authorities in Patta No.3264. It had been stated that subsequently, the partnership firm also purchased land in Punja S.No.546/1B measuring 63 cents also situated at Amarambedu Village by a Sale Deed dated 01.10.2022 and registered as Doc. No.9446/2022 in the office of the Sub-Registrar, Sriperumbudur from Mrs.Aishwarya Lakshmi. It is claimed that the partnership firm is in possession of that particular property also. Patta has been issued in Patta No.3721. Thereafter, when electricity connection was sought, an objection had been raised that the aforementioned lands had been gifted to the Local Panchayat by gift deed registered as Doc. No.1067/2008. In that particular gift deed, the S.Nos.546/1B, 546/1D and 546/2 had also been included. It had been stated that the petitioner understands that the said survey numbers had been inadvertently included in the gift deed.



WEB COPY

3. That is an issue which will have to be examined. The petitioner had given the representation since, the aforementioned lands have also been included in the layout for which approval had been granted. The petitioner seeks removal of the said survey numbers from the layout.

4. Instructions had been obtained on behalf of the 3rd and 4th respondents, wherein it had been asserted that the aforementioned lands in S.Nos. 546/1B, 546/1D and 546/2 has been classified as park and road. It is also contended that a suit is also pending. But however, the learned counsel for the petitioner stated that the suit in O.S.No.102 of 2014 which is still pending before the District Munsif -cum- Judicial Magistrate, Sriperumbudur, relates to the lands in S.Nos.545/3, 545/9, 545/1A and 545/1C at Amarambedu Village and is not with respect to the survey numbers which are subject matter of this writ petition.

5. The representation of the petitioner will have to be examined and an order will have to be passed by the 2nd respondent whether the lands had been inadvertently included in the gift deed bearing Doc. No.1067 of 2008



dated 30.01.2008 and whether the petitioner is a bonafide purchaser of the said lands. Let the 2nd respondent conduct a detailed enquiry by issuing notice to the petitioner and also to the 3rd and 4th respondents and also to the entity which is forming the layout and examine all the records and thereafter, pass an order. Opportunity of being heard must be provided and if documents are produced, they must also be taken on record and thereafter, a considered order may be passed. The 2nd respondent should complete the enquiry within a period of four months from the date on which all parties to whom notice had been issued enter appearance.

6. With the above observations, this Writ Petition stands disposed of.

No costs.

20.12.2024

Index: Yes/No

Internet: Yes/No

smv

To

1. The Director of Town and Country Planning,
2nd, 3rd and 4th Floor, E & C Market Road,
Koyambedu,
Chennai – 600 107.

2. The Deputy Director of Town and Country Planning,
No.33J/95, Kottampalayam Street,



WEB COPY

6



Rangaswamy Kular (Old Employment Office),
Kancheepuram – 631 501.

C.V.KARTHIKEYAN,J.
smv

3.The Block Development Officer,
Kundrathur.

W.P.No.36022 of 2024

20.12.2024