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W.P(MD)No.4514 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4514 of 2024

and

W.M.P.(MD)Nos.4358 & 4359 of 2024

Subramanian

... Petitioner

Vs.

1.The Director,
Office of the Director of Town and Country Planning,
Koyambedu,
Chennai.

2.The Deputy Director,
District Urban Development Office,
Office of the District Collector,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned orders passed by the 2nd respondent under Oo.Mu.Na.Ka.No. 1991/2022/SiMa-2 dated 14.06.2023 and to quash the same as illegal and further direct the 2nd respondent to convert the classification of landed property falling under old S.No.55 Part, S.No.238/24E, Kalanivasal Village, Karaikudi Circle, Sivagangai from the classification School to the classification “Residential Purpose” on the basis of the application of the writ petitioner.



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For Petitioner : Mr.Sricharan Rengarajan
Senior Counsel
for Mr.K.R.Laxman

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner had purchased the petition mentioned land 0.46.00 hectares from one Vijaya Lakshmi vide sale deed dated 31.01.2022. The said Vijaya Lakshmi had in turn purchased the same from the Tamil Nadu Housing Board vide sale deed dated 18.05.2006. The petition mentioned land had been earmarked for school purpose in the original layout. The petitioner now wanted to plot out the same. When the application was submitted before the second respondent, it was negatived. Challenging the same, the present writ petition came to be filed.

3. I cannot interfere with the impugned communication. This is because, so long as the original layout comprises what it is, all subsequent developments must conform to the layout norms. The land in question had been earmarked for school purpose. Of-course, the owner of the land has saleable interest.



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It can be alienated also and that is how, the petitioner came to purchase the same from the previous owner namely Vijaya Lakshmi. The learned senior counsel appearing for the petitioner states that in the vicinity, several schools have come up and that therefore, there is no point in adhering to the original purpose. If that be so, the revision has to be sought in respect of the original layout and the decision has to be taken by the first respondent. The petitioner is therefore permitted to apply to the first respondent for permission to layout the petition mentioned land. It is entirely for the first respondent to decide the issue. I make it clear that the petitioner's locus in submitting such an application will not be questioned by the first respondent. The first respondent shall dispose of the petitioner's application within twelve weeks after receipt of the same.

4. With this liberty to the petitioner to approach the first respondent seeking relief now sought for, the Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Director,
Office of the Director of Town and Country Planning,
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Chennai.
- 2.The Deputy Director,
District Urban Development Office,
Office of the District Collector,
Sivagangai.

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