



W.P(MD)No.6299 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6299 of 2024

Saravanakumar

... Petitioner

Vs.

1.The Joint Director of Country and
Town Planning,
Office of the Joint Director of Country
and Town Planning,
11, Rajamalai Main Road,
Tamarainagar,
Kajamalai Colony,
Trichy.

2.The Commissioner /
Block Development Officer,
Poovalur Village Panchayat Union,
Poovalur,
Trichy District.

3.T.A.Prabhakaranpillai

4.M/s.Gowrisai Promoters,
No.34/3, Cauvery Road,
Devadhanam,
Trichy – 2.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide and ensure access to the plots by way of roads and private passages in respect of the plots laid in S. No.76/1 situated at Appathurai Village, Lalgudi Taluk, Trichy by strictly implementing the above said Rule 47 of Tamil Nadu Combined Development and Building Rules, 2019 within the time stipulated by this Court by considering the representation given by the petitioner dated 23.02.2024.

For Petitioner : Mr V.Malaiyendran

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R.1 & R.2

Mr.V.R.Shanmuganathan
for R.3 & R.4

ORDER

Heard both sides.

2.The petitioner's grievance is that the private respondents have formed their layout without taking note of the statutory mandate set out in Rule 47 of the Tamil Nadu Combined Development and Building Rules, 2019. This allegation is denied by the learned counsel appearing for the private respondents.



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3. I do not want to go into the merits of the matter or delve into the factual controversy. I direct the first respondent to enquire into the petitioner's representation dated 23.02.2024 and render finding if a layout permitted by the private respondents is in accordance with the aforesaid Rule 47. Rule 47(1) reads as follows:

“47. Layout and sub-division Rules.— (1) This rules seeks to ensure access to plots by way of roads and private passages, creating hierarchy of roads depending on the road length and intensity of developments in the area and also to provide adequate linkages to the existing roads and further to provide proper circulation pattern in the area, providing required recreational spaces such as parks or playgrounds, and providing spaces for common amenities such as schools, post and telegraph offices, fire stations, police stations etc.

(a) The minimum width of the public street or road on which the site abuts or gains access shall be 7.2m. for residential layout developments and 9m. for industrial layout developments. For subdivisions the minimum width of the passage or public streets or road on which the site abuts or gains access shall be as required for different uses and types of developments.

(b) The minimum width stated above shall be the existing width of the road and not the street alignment prescribed. ”



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The petitioner as well as the private respondents shall be heard by the first respondent. Speaking order shall be passed. It is the duty of the first respondent to ensure that the statutory mandate set out in Rule 47 of the Act is enforced. This exercise shall be completed by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

4.This writ petition is disposed of accordingly. There shall be no order as to costs.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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Office of the Joint Director of Country
and Town Planning,
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2.The Commissioner /
Block Development Officer,
Poovalur Village Panchayat Union,
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G.R.SWAMINATHAN,J.

MGA

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