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W.P.(MD)NO.10424 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10424 of 2024 AND
W.M.P.(MD)Nos.9386 & 9387 of 2024

V.Kamala

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Koyambedu,
Chennai – 600 107.

2. The Deputy Director of Town and Country Planning,
O/o.Deputy Director of Town and Country Planning,
Virudhunagar,
Virudhunagar District.

3. Rajaram

(R-3 is impleaded vide order dated 30.04.2024
in W.M.P.(MD)No.9686 of 2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the second respondent in his proceedings in Na.Ka.No.875/2023/Viruma dated 19.05.2023 quash the same and consequently to direct the first respondent to reclassify the land from car parking to residential plot in T.S.No.54/1 Kattalaipatti Village, Sivakasi, Virudhunagar District on the basis of the petitioner's application dated 20.04.2023.



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For Petitioner : Mr.M.Sricharan Rangarajan,
Senior counsel,
for Mr.C.Jeganathan.

For R-1 & R-2 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-3 : Mr.E.Marees Kumar

* * *

ORDER

Heard the learned Senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The petitioner had purchased the petition mentioned plot. It had been shown as a parking space in the original layout. The petitioner seeks reclassification of the same. The petitioner wants to take advantage of the letter No.10972/UD4-3/2015-2 dated 29.06.2015 issued by the Government to the Director of Town and Country Planning, Chennai.

3. The petitioner's request will be considered only after the disposal of W.P.(MD)No.13583 of 2021. The said writ petition was filed by the third respondent herein. But the third respondent has not obtained



any interim order. A mere pendency of the litigation cannot come in the way of the statutory authority from discharging his statutory function. It is for this reason, I set aside the impugned communication dated 19.05.2023. The first respondent will take a call in the matter on merits.

4. The first respondent will issue notice to the petitioner as well as the third respondent. Both of them shall be afforded an opportunity of personal hearing. They are at liberty to place all the relevant materials in support of the contention. The petitioner as well as the third respondent will be given exactly ten minutes each to put forth their contentions. Thereafter, it is for the first respondent to pass an appropriate order. This exercise will be completed within a period of ten weeks from the date of receipt of a copy of this order. I make it clear that this order will abide by any direction or order that may be passed in W.P. (MD)No.13583 of 2021. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)NO.10424 OF 2024

G.R.SWAMINATHAN,J.

PMU

To:

1. The Director of Town and Country Planning,
Koyambedu,
Chennai – 600 107.
2. The Deputy Director of Town and Country Planning,
O/o.Deputy Director of Town and Country Planning,
Virudhunagar,
Virudhunagar District.

W.P.(MD)No.10424 of 2024

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