



W.P.(MD) No.11078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

THE HONOURABLE **MR.D.KRISHNAKUMAR,**

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.11078 of 2024

E.S.Sahayam @ E.Iyappan

... Petitioner

-Vs-

- 1.The Director,
Vigilance & Anti Corruption,
No.293, MKN Road,
Alandhur, Chennai-600 016.
- 2.The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
(Near) Punnai Nagar, Nagercoil.
- 3.The Secretary of Government,
Registration Department,
St.George Fort, Chennai-9.
- 4.The Secretary of Government,
Housing & Urban Development,
St.George Fort, Chennai-9.
- 5.The Director,
Town and Country Planning,



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Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor, C & E Market Road,
Koyembedu, Chennai-107.

6.The District Registrar,
Kanyakumari Registration District,
Nagercoil.

7.A.Vijayan

8.J.Sylvester Sornalatha

9.K.Sethu Ramalingam

10.G.T.Anna Durai

11.Albert Robinson

12.Jothibasu

13.J.Balasubramaniam

14.E.Prasanth

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the representation of the petitioner dated 04.04.2024 seeking to take action against the respondents 7 to 14.

For Petitioner : Mr.C.T.Perumal

For R1, R3 to R6 : Mr.P.Thilakkumar,
Government Pleader

For R2 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

According to the petitioner, the lands in R.S.Nos.384, 385, 389, 390, 392, 352, 353, 354, 355 and 356 in Putheri Revenue Village, Agastheeswaram



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Taluk, Kanyakumari District are all agricultural lands, which are converted into plots by dumping rigor sands by one Palraj, who is the Proprietor of Sri Krishna Foundation, though there is a prohibition to convert agricultural lands into plots. Therefore, the petitioner made representations dated 16.02.2024 and 04.04.2024 to take action against the erring officials. Since the same have not been considered so far, the petitioner is before this Court.

2.The learned counsel for the petitioner would submit that the petitioner has filed an appeal under Section 76 of the Tamil Nadu Town and Country Planning Act, 1971 before the 5th respondent to take necessary action for cancellation of the approval already granted by the authorities concerned. He would further submit that it would suffice, if the said appeal is directed to be disposed of by the 5th respondent within a period that may be stipulated by this Court.

3.The learned Government Pleader for the official respondents would submit that if the appeal filed by the petitioner is pending with the 5th respondent, the same would be disposed of within the stipulated time to be fixed by this Court.



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4.Considering the facts and circumstances of the case, without going into the merits of the case, we are inclined to direct the 5th respondent to dispose of the appeal dated 04.04.2024 filed by the petitioner on its own merits and in accordance with law, after providing opportunity to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., A.C.J.] & [R.V., J.]
19.07.2024
(½)

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

Yuva

To

- 1.The Director,
Vigilance & Anti Corruption,
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Vigilance & Anti Corruption,
(Near) Punnai Nagar, Nagercoil.

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3. The Secretary of Government,
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St. George Fort, Chennai-9.
4. The Secretary of Government,
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St. George Fort, Chennai-9.
5. The Director,
Town and Country Planning,
Directorate of Town and Country Planning,
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AND

R.VIJAYAKUMAR, J.

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