



W.P.(MD)No.14194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.14194 of 2024
and
W.M.P.(MD)No.12457 of 2024

S.Purushothaman

... Petitioner

Vs.

1.The Director,
Town and Country Planning Department,
Chennai.

2.The Deputy Director,
Director Town and Country Planning Office,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.6951/2023/TCP-6, dated 06.05.2024, passed by the 1st respondent herein and quash the same as illegal and consequently, direct the 2nd respondent herein to dispose of the petitioner's regularization application DTCP/P/0096424/2017, dated 19.04.2018, considering the facts of the case.

For Petitioner
For Respondents

: Mr.S.Saravanan
: Mr.D.Neduncheliyan
Government Advocate



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ORDER

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Challenging the order of rejection of DTCP approval, sought for by the petitioner in proceedings in Na.Ka.No.6951/2023/TCP-6 dated 06.05.2024, this Writ Petition came to be filed.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate for the respondents and carefully perused the entire materials available on record.

3.When the application for approval was pending before the respondent authorities, the Writ Petition came to be filed by the petitioner, requiring this Court to direct the Deputy Director Town and Country Planning Department, Thoothukudi District, to dispose of the petitioner's plot regularization application dated 19.04.2018 and this Court was pleased to allow the said Writ Petition, by order dated 27.03.2024, by directing the 2nd respondent to put the interested persons on notice before passing the final order. However, without putting the petitioner on notice, the impugned order came to be passed without obliging to the order passed by this Court in W.P.(MD)No.7562 of 2024, dated 27.03.2024. That apart, the impugned order has been passed by the first respondent, who has no authority. Rule 2(2)(ii)(b) of the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017, deals



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with competent authorities and the Rule 2(2) is extracted as follows:-

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“(2)'Competent Authority' means -

(i)for regularization of unapproved individual plot in a sub-division or layout-

(a)in case of a City Municipal Corporation, the Commissioner;

(b)in case of a Municipality, the Commissioner;

(c)in case of a Town Panchayat, the Executive Officer; and

(d)in case of a Village Panchayat, the Block Development Officer (Village Panchayats);

(ii)for regularization of layout:-

(a)in the Chennai Metropolitan Planning Area, the Member- Secretary of Chennai Metropolitan Development Authority;

(b)in any other areas, the Member-Secretary of the Local Planning Authority or the Regional Planning Authority or the New Town Development Authority functioning under the control of Town and Country Planning Department or the Regional Deputy Director or Assistant Director of the Town and Country Planning Department, as the case may be, in whose jurisdiction the layout exists.”

4.In terms of Rule 2(2)(ii)(b), it is only the Regional Deputy Director or Assistant Director of the Town and Country Planning Department in whose jurisdiction the layout exists has to deal with regularization of layout. However, instead of second respondent, the first respondent



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without jurisdiction has pass this impugned order.

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5.On these two grounds, the impugned order is quashed and remanded back to the file of the second respondent with a specific direction to pass appropriate orders in accordance with law, after giving the petitioner an opportunity of hearing.

6.Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.11.2024

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

To

- 1.The Director,
Town and Country Planning Department,
Chennai.
- 2.The Deputy Director,
Director Town and Country Planning Office,
Thoothukudi District.



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L.VICTORIA GOWRI, J.

Mrn

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