



1

W.P.(MD)NO.16781 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16781 of 2024 AND

W.M.P.(MD)No.14499 of 2024

Suresh Natarajan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Deputy Director / District Officer,
Department of Town and Country Planning,
B 70, TNHB, Madurai Road,
Virudhunagar,
Virudhunagar District.
4. The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.
5. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
6. The Block Development Officer,
Virudhunagar Union,
Virudhunagar,
Virudhunagar District.



7. The Panchayat President,
Thammanaickenpatti Village,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the third respondent in file No.MXBB8Y233/2024/TCP dated 27.05.2024 and quash the same as illegal, incompetent and ultra vires and consequently direct the third respondent to sanction the layout approval based on the online application dated 02.04.2024 for the property in S.No.81/7, 82/5, 83/1A3A, 83/1A3B totally to an extent of 5.66 acres at Thammanaickenpatti Village, Virudhunagar Taluk and District.

For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.D.Selvanayagam.

For R-1 to R-5 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-6 & R-7 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard both sides.



2. The petitioner wanted to develop the petition-mentioned land as layout. His request was rejected. Challenging the same, the present writ petition came to be filed.

3. The only reason for rejecting the petitioner's application was that the land was originally assigned as an agricultural land meant to be used for agricultural purposes. The assignment was made way back in the year 2003. The petitioner had purchased from the assignee. Patta was also mutated in favour of the petitioner. The petitioner has enclosed quite a few materials such as the report given by the Deputy Director of Agriculture, Virudhunagar as well as the Tahsildar, Virudhunagar in his favour. The impugned order has been passed without taking note of those materials.

4. It is for this reason, I set aside the impugned order. The matter is remitted to the file of the third respondent. The petitioner is permitted to appear before the third respondent on 09.08.2024 at 3.00 p.m. The petitioner is at liberty to place all the materials in respect of his case for grant of layout approval. It is for the third respondent to consider all the materials and then pass a speaking order afresh. I make it clear that I have not gone into the merits of the matter. The only reason for setting aside is that the third respondent has not taken note of the



relevant materials. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

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

To:

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
3. The Deputy Director / District Officer,
Department of Town and Country Planning,
B 70, TNHB, Madurai Road,
Virudhunagar, Virudhunagar District.
4. The Revenue Divisional Officer,
Virudhunagar, Virudhunagar District.
5. The Tahsildar,
Virudhunagar Taluk, Virudhunagar District.
6. The Block Development Officer,
Virudhunagar Union,
Virudhunagar, Virudhunagar District.
7. The Panchayat President,
Thammanaickenpatti Village,
Virudhunagar District.



WEB COPY



5

W.P.(MD)NO.16781 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.16781 of 2024

24.07.2024