



W.P(MD)No.19477 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.19477 of 2024

1.Velammal
2.M.Archana
3.M.Keerthana

... Petitioners

Vs.

1.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Joint Director of Town and Country Planning,
Bye Pass Road, Tirunelveli.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to issue the final approval order for the layout approval granted by the respondents 2 and 3 in P.P/L.P./LPA No.80/2023, dated 22.08.2023 within the time fixed by this Court.

For Petitioners	: Mr.H.Arumugam
For R1 & R2	: Mr.D.Gandhiraj, Special Government Pleader
For R3	: Mr.A.Sivanupandian, Standing Counsel



W.P(MD)No.19477 of 2024

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ORDER

According to the petitioners, the husband of the 1st petitioner purchased the property in T.S.Nos.117 & 118 to an extent of 2.34 acre in T.S.Ward BM, Block 34, Tirunelveli City Municipality Corporation through a registered sale deed dated 30.12.2010. Thereafter, he executed a settlement deed dated 05.05.2022 in respect of western 1.54 acres in T.S.No.118/2 in favour of his wife and daughters / petitioners herein. From the date of settlement deed, the petitioners are in possession and enjoyment of the property in question. Subsequently, they divided the land as housing plots and applied for approval of layout to the respondents 1 and 2, who in turn, vide proceedings dated 22.08.2023, granted approval to the petitioners on condition to execute a gift deed and carry out the infrastructure development and also directed the 3rd respondent to issue final approval on complying with such condition by the petitioners. Pursuant to the same, the petitioners executed a gift deed dated 08.04.2023, gifting the road area etc., in favour of the Government. However, the 3rd respondent has not passed any order. Therefore, the petitioners have filed this Writ Petition.

2.The learned Standing Counsel appearing for the 3rd respondent would submit that the matter has been placed before the Council and the same will be considered on its own merits and appropriate orders will be passed.



W.P(MD)No.19477 of 2024

WEB COPY

3.The learned counsel appearing for the petitioners would submit that there is no requirement for the 3rd respondent to place the matter for Council's resolution. As per G.O.(Ms)No.181, Housing and Urban Development [UD4(1)] Department, dated 09.12.2020, the Commissioner shall collect necessary fees and issue final layout sketch, permit of planning authority along with the permit of local body, after ensuring that the applicant lays tar roads and provides other amenities like storm water drains, water supply facilities by constructing OHT, provide necessary street lights etc.

4.It is not in dispute that the respondents 1 and 2 had already granted permission vide proceedings dated 22.08.2023, which has also been communicated to the 3rd respondent. Pursuant to the said Government Order, a circular dated 20.10.2022 was also issued in this regard, wherein the authorities concerned are directed to issue permission within a period of 60 days from the date of principal approval. Therefore, the contention of the 3rd respondent that the matter has been placed before the Council, has no basis. When the Commissioner is the competent person to issue orders, after ensuring that the roads have been laid and other amenities have been developed, there is no need for placing the matter for Council's approval.



W.P(MD)No.19477 of 2024

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5.In such view of the matter, the 3rd respondent is directed to grant approval to the petitioners within a period of one month from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

13.09.2024

(2/2)

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

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To

- 1.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai.
- 2.The Joint Director of Town and Country Planning,
Bye Pass Road, Tirunelveli.
- 3.The Commissioner,
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W.P(MD)No.19477 of 2024

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.19477 of 2024

13.09.2024
(2/2)