



W.P.(MD)N.19491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19491 of 2024

K.S.Babu

... Petitioner

Vs.

The Executive Officer,
Vadipatti Town Panchayat,
Madurai District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant final approval for the layout in Survey Nos.38/3A, 38/3B, 38/4A, 38/4B, 38/4C, 38/5A & 38/5B within a total extent of 1 acre 65 cents at Bodinaickenpatti Village, Vadipatti Taluk, Madurai District by considering the petitioner's application dated 10.06.2024 within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

This writ petition has been filed for the issuance of a direction to the respondent to grant final approval for the layout in Survey Nos. 38/3A, 38/3B, 38/4A, 38/4B, 38/4C, 38/5A & 38/5B within a total extent of 1 acre 65 cents at Bodinaickenpatti Village, Vadipatti Taluk, Madurai District by considering the petitioner's application dated 10.06.2024 within a time frame.

2. Heard both sides and perused the materials available on record.

3. It is the contention of the petitioner that he is the owner of the property to an extent of 1 acre 65 cents in Survey Nos.38/3A, 38/3B, 38/4A, 38/4B, 38/4C, 38/5A & 38/5B at Bodinaickenpatti Village, Vadipatti Taluk, Madurai District. When he applied for the approval of lay out plan, the Assistant Director/Member Secretary, District Town and Country Planning Office, Madurai District, has given technical approval on 06.04.2024. The petitioner also executed a registered gift deed dated 06.06.2024 in favour of the respondent and the TANGEDCO. Thereafter,



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on 10.06.2024, the petitioner made an application before the respondent seeking final approval and undertook to pay the necessary charges. On 13.06.2024, the respondent sent a letter to the Tahsildar, Vadipatti Taluk for effecting sub-division and grant of patta with regard to the portion gifted to the respondent and also sought for no objection certificate. Accordingly, the Sub Registrar, Vadipatti was requested to fix the guideline value for the entire layout and subsequently, the Assistant Engineer of TANGEDCO was requested to inspect the layout for formation of transformer, electric posts and also to give estimation charge for the above expenses. Further, the Sub Registrar gave the guideline value on 19.06.2024. Even after completing all the formalities, now the approveal has not been given. Hence, the petitioner filed this writ petition seeking a direction to the respondent to grant final approval.

6. The learned counsel for the respondent submitted that the villagers have given objection alleging that there is an encroachment of the waterbody. Therefore, they cannot conduct survey.

7. Considering the facts and circumstances, this Court is of the view that the respondent shall conduct survey to find out whether there is



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any encroachment and, if any, the respondent shall pass appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of.

No costs.

14.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To
The Executive Officer,
Vadipatti Town Panchayat,
Madurai District.



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N.SATHISH KUMAR , J.

PJL

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