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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.18487 of 2023
and
W.M.P.(MD) Nos.15324, 15326 & 23136 of 2023

A.Michael Snow Manoj ... Petitioner

-vs-

1.The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-600 009

2.The Director
Directorate of Town and Country Planning
No.2nd, 3rd & 4th Floor
C & E Market Road
Koyambedu, Chennai-600 107

3.The Joint Director of Town and
Country Planning
Tirunelveli Region
South Bye Pass Road
Xavior Colony
Melapalayam Post
Tirunelveli District

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4.The Additional Director (Operation)
Tamil Nadu Real Estate Regulatory Authority
No.1A, 1st Floor, Gandhi Irwin Bridge Road
Egmore, Chennai-600 008

5.The District Collector
Tirunelveli District
Tirunelveli

6.The Tahsildar
Radhapuram Taluk
Radhapuram
Tirunelveli District

7.The Block Development Officer
Village Panchayat
Radhapuram Union
Radhapuram, Tirunelveli District

8.The President
Terkukallikulam Village Panchayat
Terkukallikulam
Radhapuram Taluk
Tirunelveli District

9.The Sub Registrar
Valliyoor Sub Registrar Office
Valliyoor, Tirunelveli District

10.Gana Padmarani

11.H.Leonard Ganaravindran

12.H.Arokia Akhiladas

13.Karunanidhi ... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to grant layout approval for any residential layout comprised in S.Nos.1/1B, 1/2, 4/1, 4/2B, 5/2, 5/3, 5/5B, 5/6, 6/2, 6/3, 6/5B and 6/6A2, situated at Terkukallikulam Village, Radhapuram Taluk, Tirunelveli District, only after fulfilling the legal requirements under Rule 47(1)(a) of the Tamil Nadu Combined Development and Building Rules and Sections 11 and 12 of the Real Estate (Regulation and Development) Act, 2016 and forbearing the fourth respondent from granting technical approval to regularize any layout approval formed by the respondents 10 to 13 in lands in S.Nos.1/1B, 1/2, 4/1, 4/2B, 5/2, 5/3, 5/5B, 5/6, 6/2, 6/3, 6/5B and 6/6A2, situated at Terkukallikulam Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R9
Mr.R.T.Arivukumar for R10 to R13

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O R D E R

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 4 to grant layout approval for any residential layout comprised in Survey Nos. 1/1B, 1/2, 4/1, 4/2B, 5/2, 5/3, 5/5B, 5/6, 6/2, 6/3, 6/5B and 6/6A2 of Terkukallikulam Village, Radhapuram Taluk, Tirunelveli District, only after fulfilling the legal requirements under Rule 47(1)(a) of the Tamil Nadu Combined Development and Building Rules and Sections 11 and 12 of the Real Estate (Regulation and Development) Act, 2016 and forbearing the fourth respondent from granting technical approval to regularize any layout formed by the respondents 10 to 13 in lands comprised in the above survey numbers.

2. Today, when the matter was taken up for hearing, learned Government Pleader appearing for the respondents 1 to 9, on instructions, submits that the authority concerned has considered the objections submitted by the petitioner, rejected the same and granted approval in favour of the respondents 10 to 13.

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3. In view of the above submission of the learned Government Pleader, the relief as such sought for by the petitioner cannot be granted and the writ petition is, therefore, dismissed. However, if the petitioner is still aggrieved, it is open to him to approach the authority concerned and redress his grievance in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

11.03.2024

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

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To:
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Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Director,
Directorate of Town and Country Planning,
No.2nd, 3rd & 4th Floor,
C & E Market Road,
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3.The Joint Director of Town and
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Village Panchayat,
Radhapuram Union,
Radhapuram, Tirunelveli District.

8.The President,
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