



W.P.(MD)No.19763 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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C.Ramachandran

.. Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy-1,
Trichy District.

2.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai 600 032.

3.The Commissioner,
Lalgudi Municipality,
Lalgudi, Trichy District.

4.R.Sundarrajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent herein to take appropriate action to surrender the road portion earmarked in approved house site layout (Ma.Va/N.Oo.E.No.117/2006)



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of fourth respondent as per his notice made in Na.Ka.no.1845/2023/F2, dated 26.07.2024 within the stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.A.Kannan (for R1 & R2)
Additional Government Pleader
Mr.V.Nirmal Kumar (for R3)
Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to the third respondent herein to take appropriate action to surrender the road portion earmarked in approved house site layout (Ma.Va/N.Oo.E.No.117/2006) of fourth respondent as per his notice made in Na.Ka.No.1845/2023/F2, dated 26.07.2024

2. Heard Mr.R.Sundar, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Nirmal Kumar, learned Standing Counsel, who accepts notice on behalf of the third respondent.



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3. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the property in Survey Nos.88/1A1, 87/2A, 3A, 3C, 85/2, 87/4B, 87/3C, 87/3B, 87/2B, 79/4, 85/1 and 80/2 belongs to the fourth respondent's family and they intended to form a house site layout in the said lands and they applied for layout approval before the second respondent. The second respondent has approved the same. While granting such layout approval, the fourth respondent is directed to hand over the entire road portion to the concerned local body. On 10.04.2007, the fourth respondent's family surrendered the road portion earmarked in the approved layout in favour of the Executive Officer, Town Panchayat, Lalgui.

5. It is the case of the petitioner that when he presented the application before the third respondent seeking approval for formation of house site layout on his land, which is situated on the immediate eastern side of the aforesaid layout, but the third respondent has not considered the same so far. Hence, seeking direction of this Court.



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6. According to the respondents, since the fourth respondent has handed over the land to the local authority, he has retained 10 ft of land in Sy.No.88/1A1 and 1A2 and hence, the petitioner's application has not been processed.

7. At the outset, the petitioner has no way connected with the aforesaid fact. If the fourth respondent has not handed over the land as per the registered deed to the local authority and retained 10 ft of land, it is for the authorities to take appropriate action against the fourth respondent to hand over the remaining 10ft of land and that cannot be a reason to reject the application of the petitioner.

8. Under these circumstances, the District Collector/ first respondent are directed to consider the application of the petitioner seeking approval for forming house site layout and pass appropriate order on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.



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9. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No

NCC : Yes / No

Rmk

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N.SATHISH KUMAR, J.

Rmk

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