



W.P.(MD)No.24771 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24771 of 2024

and

W.M.P.(MD)Nos.21073 & 21075 of 2024

H.SenthalMohideen

... Petitioner

Vs.

1.The Director of Town and Country Planning,
E & C Main Road, Srinivasa Nagar,
Virugambakkam, Koyambedu, Chennai.

2.The Assistant Director of Town and Country Planning,
DTCP Office, No.466/A, 17 Ward,
Nehruji Nagar, Allinagaram,
Theni District.

3.The Executive Officer,
Uthamapalaym Town Panchayat,
Uthamapalayam.

4.The Sub Registrar,
Uthamapalayam, Theni District.

5.U.Wahab Alias Abdul Wahab

6.BasheerAhamadh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from in any way granting layout approval for the land in S.No.2180/2



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measuring about 52 cents and S.No.2181/3 measuring about 1 acre 92 cents totalling 2 acres and 44 cents in Uthamapalayam, Theni District.

For Petitioner : Mr.R.Suriya Narayanan
For R1 & R2 : Mr.D.Sadiq Raja,
Additional Government Pleader
For R3 : Mr.M.Sarangan,
Additional Government Pleader
For R4 : Mr.C.Satheesh,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that he entered into an agreement for sale with the 5th respondent on 20.11.2022. Since the 5th respondent has not come forward to execute the sale deed, the petitioner has filed a suit in O.S.No.100 of 2024 seeking for specific performance, which is pending on the file of the learned Additional District Judge, Theni. Pending the suit, the 5th respondent has transferred the property to the 6th respondent. Now, the 6th respondent is trying to get approval from the 2nd respondent. Therefore, the petitioner has made a representation dated 27.09.2024 to the 2nd respondent,



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requesting him not to grant any approval. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that what the petitioner could not achieve before the trial Court is trying to achieve before this Court. In the said suit, though the petitioner filed interim application, he has not obtained any interim order against the private respondents.

4.At this stage, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the layout approval has already been granted by the 2nd respondent on 14.10.2024.

5.In such view of the matter, the relief sought for in this Writ Petition has become infructuous. Accordingly, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2024

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

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To

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N.SATHISH KUMAR, J.

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