



W.P.(MD)No.25513 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25513 of 2024
and W.M.P(MD)No.21647 of 2024

S.Sonaimani,

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation Building,
Anna Maligai,
Alagarkovil Road,
Madurai - 625002.

2.The Town Planning Officer,
Madurai Corporation Building,
Anna Maligai,
Alagarkovil Road,
Madurai – 625002.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order in மதுரை3/L1/008275/2024 dated 30.09.2024 passed by the 2nd Respondent and quash the same and consequently direct the Respondents not to interfere with the Petitioner's peaceful enjoyment of the property in Survey No.335/2, (T.S.Nos. 33/21, 33/22, 33/24, 33/25,) Madakulam Village, Thiruparankundram Taluk, Madurai South Registration District, Madurai District.



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For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.F.Deepak,
Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order in டிதிர3/L1/008275/2024 dated 30.09.2024 passed by the 2nd Respondent and quash the same and consequently direct the Respondents not to interfere with the Petitioner's peaceful enjoyment of the property in Survey No.335/2, (T.S.Nos. 33/21, 33/22, 33/24, 33/25,) Madakulam Village, Thiruparankundram Taluk, Madurai South Registration District, Madurai District.

2.It is the case of the petitioner that he has originally obtained approval for four layouts in T.S.Nos. 33/21, 33/22, 33/24 and 33/25. In the meanwhile, a writ petition has been filed by a third party in W.P(MD)No.6607 of 2024 seeking for a direction to consider the representation. This Court, by on order dated 26.03.2024, directed the respondents to conduct an enquiry pass orders in accordance with law. Based on the direction, now the impugned order has been passed by cancelling the approval granted to the petitioner for four plots on the ground that the petitioner has obtained approval only for four plots, however he



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has converted the same into 23 plots. Challenging the same, the writ petition has been filed.

3.The learned Standing Counsel appearing for the respondents would submit that though they have granted approval only for four plots, the petitioner has converted the same into 23 plots. Therefore, the impugned order cannot be interfered with.

4.Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5.No doubt, pursuant to the direction issued by this Court in W.P(MD)No.6607 of 2024, which was filed by a third party, the 2nd respondent has conducted an enquiry and in the enquiry, it was found that the petitioner has obtained approval only for four plots and now converted the same into 23 plots. Therefore, the impugned order has been passed cancelling the petitioner's layout approval for four plots. Except that violation of converting into 23 plots, there is no other violation.



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6.In such view of the matter, this Court is of the view that it is for the petitioner to apply fresh approval for all the plots in accordance with law. If such application is filed, the respondents shall consider the same on its own merits and grant necessary approval in accordance with law. Such an exercise shall be made within a period of two months from date of receipt of a copy of this order. It is also made clear that merely because, the earlier approval has been cancelled by way of the impugned order, the same will not be an impediment for considering the fresh application of the petitioner for entire layouts. It is also open to the authorities to restore the approval granted to the four plots on obtaining necessary undertaking from the writ petitioner in this regard in accordance with law.

7.With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

29.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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