



W.P(MD)No.1271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1271 of 2024

and

W.M.P.(MD)No.1303 of 2024

G.Pichayappan

... Petitioner

Vs.

1.The Joint Director / Member Secretary,
Town and Country Planning,
Tiruchirappalli City,
Kajamalai, Tiruchirappalli.

2.The Commissioner/Block Development Officer,
Mannachanallur Panchayat Union,
Mannachanallur,
Tiruchirappalli.

3.Kanimozhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent in Na.Ka.Thi-1/5499/2020 dated 28.12.2020, quash the same and consequently directing the 2nd respondent to cancel the approval for the said lay out vide proceedings in Na.Ka.Thi-1/5499/2020 dated 28.12.2020 in within a time frame fixed by this Court.



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For Petitioner : Mr.S.K.Mani

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1 & R2

: Mr.G.Mohankumar for R3

ORDER

Heard both sides.

2. The third respondent had promoted a layout in Survey No.109/2A in Bikshandarkovil Village. The layout approval is put to challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. The third respondent is having title only over one acre, whereas the layout approval is for a little larger extent.

4. I do not want to go into this contention for the reason that only if the petitioner's right is affected, he would be justified in raising his contention. The learned counsel thereupon submitted that he purchased 26 cents of land in Survey No.109/2B vide sale deed dated 11.02.2016 and that a portion of this has been included in the layout application submitted by the 3rd respondent.

5. The learned counsel for the third respondent clarified that she has no claim whatsoever over 26 cents of land purchased by the petitioner under the



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aforesaid sale deed dated 11.02.2016 from one Baskaran. This submission made by the third respondent through her counsel is placed on record. These are more than address the concerns expressed by the petitioner.

6. As rightly pointed out by the learned counsel appearing for the third respondent, the layout approval cannot be challenged for more than reasons than one. The first reason is that the layout approval was given as early as in December 2020 and this writ petition came to be filed a full three years later. Secondly, the plots had been sold and the purchasers have also put up the houses and that they have not been impleaded. Third reason is that the petitioner had already filed O.S.No.319 of 2021 on the file of the PDM, Lalgudi seeking injunction against the third respondent herein.

7. I find substance in all the three contentions. I decline to entertain the challenge to the earlier approval proceedings. I however place on record the submission earlier made by the learned counsel appearing for the third respondent on instructions that there is no claim on the petitioner's 26 cents of land in Survey No.109/2B. However, there is a dispute regarding identification. The same can be easily resolved by conducting a proper survey. In fact, such an application can be taken out in the pending suit itself. If any such application is taken out, the learned trial munsif shall order the same.



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rmi

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
rmi

To

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