



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.Nos. 1614 & 6930 of 2020

And

W.M.P.No. 16724 of 2022

And

W.M.P.No. 8273 of 2020

W.P.No. 1614 of 2020

S.Ravi Arokiam

... Petitioner

..Vs..

1. The Director
Directorate of Town and Country Planning
No.807, Anna Salai,
Chennai – 600 002.
2. The Deputy Director,
Directorate of Town and Country Planning
No.124, GST Road,
Chengalpattu – 603 001.
3. The Block Development Officer
O/o. The Block Development Officer
Panchayat Union Office
Tiruporur – 603 110.
4. M/s. Green Home Farms & Resorts Pvt. Ltd.,
having registered office at
No.8-2-686/P2 to P5, 3rd floor,
Divine Banira Road 12 Banjara Hills,



Hyderabad – 500 034
Telangana State
Having Branch office at
No.35-A, North Usman Road
T.Nagar, Chennai – 600 017.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner representation dated 19.11.2019 for cancellation of the DTCP Approval granted to the fourth respondent.

For Petitioner	:: Mr. R.Amardeep
For RR 1 to 3	:: Mr. V.Nanmaran Additional Government Pleader
For 4 th Respondent	:: Mr.Mothilal

W.P.No. 6930 of 2020

M/s. Green Home Farms & Resorts Pvt. Ltd.,
having its registered office at
No.8-2-686/P2 to P5, 3rd floor,
Divine Banira Road 12 Banjara Hills,
Hyderabad – 500 034
Telangana State
Having Branch office at
No.35-A, North Usman Road
T.Nagar, Chennai – 600 017.
Represented herein by its
Executive Director, Mr.Gnanasehar Devadasan ... Petitioner

..Vs..

1. The Additional Chief Secretary
Rural Development and Panchayat Raj Department
Fort St. George



Chennai – 600 009.

2. The Director
Commissionerate/Directorate of Rural Development and
Panchayat Raj
Panagal Building 4th and 5th Floor
Jeenis Road, Saidapet,
Chennai – 600 015.
3. The Director
Directorate of Town and Country Planning
No807, Anna Salai,
Chennai – 600 002.
4. The District Collector
O/o. The District Collector
Kancheepuram,
Kancheepuram District.
5. The Deputy Director,
Directorate of Town and Country Planning
No.124, GST Road,
Chengalpattu – 603 001.
6. The Block Development Officer
O/o. The Block Development Officer (V.P.)
Thiruporur Panchayat Union
Panchayat Union Office
Tiruporur, Chengalpet District
PIN – 603 110.
7. S.Charles Manickaraj ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records of the sixth respondent made in Na.Ka.No. 6388/A1 dated 17.02.2019 and quash the same and issue fresh patta in the name of the petitioner.



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For Petitioner :: Mr.Mothilal
For RR 1 to 6 :: Mr. V.Nanmaran
Additional Government Pleader
For 7th Respondent :: Mr. R.Amardeep
for Tamil Law Firm

ORDER

W.P.No. 1614 of 2020 had been filed in the nature of a Mandamus seeking a direction against the respondents to consider a representation dated 19.11.2019 by which representation, the writ petitioner sought cancellation of DTCP approval granted to the fourth respondent.

2. The fourth respondent in W.P.No. 1614 of 2020 had filed W.P.No. 6930 of 2020 in the nature of a Certiorari calling for the records of the sixth respondent / Block Development Officer, Thiruporur Panchayat Union, Chengalpattu District in Na.Ka.No.6388/A1 dated 17.02.2019 and quash the same and issue fresh patta in the name of the writ petitioner.

3. The entire issue surrounds the application made by the writ petitioner in W.P.No. 6930 of 2020 for DTCP approval for layout in S.Nos. 666,667 and 668 and its sub divisions at Kayar Village,



Thiruporur Taluk, Kancheepuram District. The larger area of the said lands in the said survey numbers had been purchased by the writ petitioner in W.P.No. 6930 of 2020. However, a claim had been made by Charles Manickaraj claiming that within that particular larger area, land measuring 14 cents in S.No. 668/2B17 had not actually been conveyed to the writ petitioner in W.P.No. 6130 of 2020. It is under those circumstances that the legal representative of P.Sigamani and one of the joint owners of the said land had given a representation dated 19.11.2019 to reconsider the DTCP approval granted to the writ petitioner in W.P.No. 6390 of 2020 over the said land. While that representation was pending, the impugned order in W.P.No. 6930 of 2020 came to be passed wherein the sixth respondent, Block Development Officer, Thiruporur Panchayat Union, had directed that no construction should be put up in S.Nos. 666, 667 and 668 at Kayar Village, Thiruporur Taluk, Kancheepuram District and also in the sub divisions of the aforementioned survey numbers. Questioning this particular impugned order, W.P.No. 6930 of 2020 had been filed.

4. It is thus seen that the entire issue relates to examination of the grievance of the writ petitioner in W.P.No. 1614 of 2020 that 14 cents of land in S.No. 668/2B17 had not been conveyed to the writ



petitioner in W.P.No. 6930 of 2020. That is an issue of fact. With respect to grant of patta to the writ petitioner in W.P.No. 6930 of 2020 the matter had been enquired by the Revenue Divisional Officer at Thiruporur who had directed the parties to approach the Civil Court.

5. The learned counsel for the petitioner in W.P.No. 1614 of 2020 alleged that the writ petitioner in W.P.No. 1614 of 2020 had not been heard by the Revenue Divisional Officer. It is only appropriate that the said writ petitioner is also granted an opportunity of being heard by the Revenue Divisional Officer.

6. It is however contended by the learned counsel for the writ petitioner in W.P.No. 6930 of 2020 that Charles Manickaraj, who had also given a representation had been examined and that the Revenue Divisional Officer had directed all the parties to approach the Civil Court.

7. But the Revenue Divisional Officer must grant an opportunity to the writ petitioner in W.P.No. 1614 of 2020, S.Ravi Arokiam, S/o. P.Sgamani to also be heard. Thereafter fresh order must be passed. The parties have to establish their respective cases



before the Civil Court. Till such time, the issue relating to the planning permission granted and the DTCP approval granted, will have to be kept in abeyance. Final orders can be passed depending on the nature of the order passed in the Civil Court.

8. The right of the writ petitioner in W.P.No. 1614 of 2020 will also have to be examined. Let further hearing be conducted by the Revenue Divisional Officer and a fresh order passed. Thereafter, the Director of Town and Country Planning, may examine whether the DTCP order already granted could be confirmed or should be modified or should be cancelled. If any of the parties approach the Civil Court, then all the authorities will have to pass orders depending on the nature of the decision rendered by the competent Civil Court.

9. Both the Writ Petitions stand disposed of. Consequently, connected Miscellaneous Petitions stand closed. No order as to costs.

10. The entire proceedings were conducted in the presence of the writ petitioner in W.P.No. 1614 of 2020. The conduct of the learned counsel in the said writ petition in bringing his client during arguments cannot be appreciated.

08.01.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



To

WEB COPY

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