



WEB COPY



W.P.No.2573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2573 of 2025

and WMP.No.2885 of 2025

A.Kumar

... Petitioner

vs.

1. The Director of Tamil Nadu Town and Country Planning,
No.807, Anna Salai, Chennai 600 002.
2. The Assistant Director,
Directorate of Town and Country Planning Villupuram Region,
GH Road,
TADCO Building,
Villupuram 605 602.
3. The Executive Officer,
Vikravandi Panchayat Union/Taluk,
Viluppuram District.
- 4.The Block Development Officer,
Chennai – Theni Highway,
Vivkravandi, Villupuram 605 652.
- 5.The Tahsildar
Vikravandi Taluk, Viluppuram District.
6. The Sub-Registrar,
Anandhapuram, Vikravandi Taluk,
Viluppuram District.



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7. A.P.Madhavan

8. Dinesh Kumar

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the second respondent to consider the representation dated 10.12.2024 and direct the second respondent to cancel the layout plan No.538/2018 approved by the second respondent for being in violation of G.O.(Ms)No.78 and other applicable regulations and to immediately rectify the obstruction and ensure unobstructed access to the petitioner's property situated at Villupuram District, Anthapuram, Arasalapuram Village in Survey No.6/1 by providing an alternative route.

For Petitioner : Mr.Leelash Sundaram
For M/s.Nathan and Associates

For R1, R2, R5 & R6 : Mr.Naveenkumar
Govt.Advocate.

For R3 & R4 : Mr.R.Vigneshwaran

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.



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2. The present writ petition has been filed to issue a writ of mandamus directing the second respondent to consider the representation dated 10.12.2024 and direct the second respondent to cancel the layout plan No.538/2018 approved by the second respondent for being in violation of G.O.(Ms)No.78 and other applicable regulations and to immediately rectify the obstruction and ensure unobstructed access to the petitioner's property situated at Villupuram District, Anthapuram, Arasalapuram Village in Survey No.6/1 by providing an alternative route.

3. It is the case of the petitioner that he is the owner of an agricultural property in S.No.6/1 at Arasalapuram Village, Vikravandi Taluk, Villupuram District. His property is solely dependent on a pathway that originates from and runs perpendicular to the said Villupuram -Gingee National Highway(NH). This pathway on the vacant land has served as the exclusive and only viable route for ingress and egress to the said property, both for him and his ancestors who owned and cultivated this land before him. There are no alternative access route or pathways available that can provide entry to or exit from the property. Further , the seventh respondent asserted that a layout plan for residential development



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had been approved by the second respondent, which purportedly restricted the use of the pathway that serves as the sole means of access to his land.

Thereafter, the petitioner claims that they had not received any prior notice or information about the approval of the layout plan and were unaware of any changes that could affect their right to use the pathway. Aggrieved by the obstruction of access to his property and the violation of G.O.(Ms.)No.78, the petitioner submitted a formal representation dated 11.12.2024 to the respondents, requesting them to rectify the violations and restore his right to ingress and egress. On such receipt of the said representation, the respondents did not take any action till date. Hence, the petitioner has filed the present writ petition before this Court.

4. The learned counsel appearing for the petitioner submitted that the petitioner has given a representation dated 10.12.2024 to the second respondent to cancel the lay out and the same was not considered till date.

5. The learned Government Advocate appearing for R1, R2, R5 and R6 submitted that the representation of the petitioner dated 10.12.2024 will be considered by the second respondent on merits and in accordance



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with law within a time frame fixed by this Court.

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6. Heard the learned counsel appearing on either side and also perused the materials available on records.

7. In view of the submissions made by the learned counsel on either side, the second respondent is directed to consider the representation of the petitioner dated 10.12.2024, after giving due notice to the petitioner and R7 and R8, affording opportunity of personal hearing, on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

J.SATHYA NARAYANA PRASAD, J.



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kkd

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