



W.P.No.3909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 03.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.3909 of 2025

K.S.Chinnusamy
S/o.Subramani Gounder, Vadamugam, Vellode
Panchayat, Chennimalai Union, Perundurai
Taluk, Erode-638 052.

Petitioner(s)

Vs

1. The District Collector
Erode District, Erode.

2. The Director
Town And Country Planning Department, 807, Anna Salai, Chennai-600
002.

3. The Deputy Director
Town And Country Plannign Department, Salem Division, No.6, Sannadi
Street, Subramaniya Nagar, Suramangalam, Salem-636 005.

4. The Block Development Officer,
Chennimalai, Erode District-638 051.

5. The President,
Vadamugam Vellode Panchayat, Perundurai Taluk, Erode District.

6. T.Krishnamoorthi
S/o.Thirumalai Gounder, No.27, Kumaran Nagar, Perundurai R.S. Road,
Perunthurai Taluk, Erde-638 052.



W.P.No.3909 of 2024

7. SATHAMANI

W/o.Krishnamoorthy, No.27, Kumar Nagar,
Perundurai.

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to take action against the illegal construction put up by the 6th respondent based on the petitioner's representation dated 03.11.2013 within a fixed time frame.

For Petitioner(s):

S.Ramesh Kumar

For Respondent(s):

M.Rajedran, AGP For R1 to R3

M/s. E. Veda Bagath Singh, for R4 & R5

M/s. P. Kannan Kumar, For R6 & R7

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to take action against the illegal construction put up by the 6th respondent based on the petitioner's representation dated 03.11.2013 within a fixed time frame.

2. According to the petitioner, a layout, namely, Kumaran Nagar at Perundurai Railway station was approved, specifying the area play field,



W.P.No.3909 of 2024

WEB COPY

market, school playground and meant for commercial complexes and the 5th respondent herein, namely, President of Vadamugam, Vellode, Perunthurai taluk, Erode district had converted the area meant for 'samuthaya kudam, pothu ubayoga kattidam into shops and schools and the 1st respondent, who is the Panchayat President converted the places meant for public utility, sold the same by simply passing a resolution to the purchasers, including the 6th respondent herein. Based on the said illegal allotment, the 6th respondent constructed a house and also started construction in other places in the name of his wife Santha Mani and in this regard, the petitioner made a representation on 03.11.2023 to the respondents 1 to 5. However, as no response is forthcoming despite his representation, the petitioner has come forward with the present Writ Petition.

3. The learned counsel for the petitioner would submit that on earlier occasion, the 6th respondent filed a Writ Petition in W.P.No.3304 of 2015 before this Court and obtained order without impleading the petitioner and obtained the order, against which, he preferred a Writ Appeal in WA No.223 of 2016, which was disposed of by this Court with an observation



W.P.No.3909 of 2024

that no adverse order or adverse action be passed against the appellant (writ petitioner herein) without giving proper opportunity of hearing to him.

Therefore, the learned counsel for the petitioner sought for a direction to the respondents 1 to 5 to dispose of the representation made by the petitioner.

4. The learned Addl.Government Pleader for the respondents 1 to 3, while referring to the counter affidavit filed by the 3rd respondent, would submit that the community hall purpose plot in the approved layout is eligible for conversion into residential purpose as per Director and Town and Country Planning Circular in ROC 4367/2019 TCP-2, dated 4.08.2021 and issue of power of building permissions are vested with the local bodies.

5. The learned counsel appearing for the 6th respondent, while reiterating the averments made in the counter affidavit filed on behalf of the 6th respondent, would submit that pursuant to the earlier directions passed by this Court in W.P.No.27495 of 2015, the Town and Country Planning Department have conducted a detailed enquiry by getting inputs from various Departments, held that the land allocated for community hall can be



W.P.No.3909 of 2024

WEB COPY

converted as plots and that the 6th respondent has got valid title and patta bearing No.5883 and 7th respondent was issued with patta No.5884 and they obtained proper approval from the 5th respondent and constructed the shop and house and have been in possession of the same and the properties were assessed with property and water taxes and the petitioner having personal grudge against the 6th respondent, has filed the present Writ Petition without any merits.

6. It appears that raising objections to the constructions alleged to have been put up illegally by the 6th respondent in the place which is meant for common use in particular community hall, the petitioner has made a representation dated 03.11.2023, which is still kept pending.

7. Therefore, without delving upon the merits of the case, taking note of the submissions of the learned counsel on either side and the counter affidavits filed on behalf of the respondents 1 to 3, this Court directs the respondents 1 to 5 to consider the representation, dated 03.11.2023 and dispose of the same in accordance with law and on merits, after affording an opportunity of personal hearing to the petitioner and the 6th and 7th respondents and thereafter, take appropriate action, within a period of eight



WEB COPY



W.P.No.3909 of 2024

J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.
suk

weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

(J.N.B.J.,) (M.J.R,J.,)
03.07.2025

Index: Yes / No

Internet: Yes / No

suk

To:

1. The District Collector
Erode District, Erode.

2. The Director
Town And Country Planning Department, 807, Anna
Salai, Chennai-600 002.

3. The Deputy Director
Town And Country Plannign Department, Salem Division, No.6, Sannadi
Street, Subramaniya Nagar, Suramangalam, Salem-636 005.

4. The Block Development Officer,
Chennimalai, Erode District-638 051.

5. The President,
Vadamugam Vellode Panchayat, Perundurai Taluk, Erode District.

W.P.No.3909 of 2024