



W.P.No.9094 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9094 of 2025

Fowzia Hasan

...Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary,
Housing & Urban Development Department,
Fort St., George,
Chennai-600 005.
2. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.
- 3.The Commissioner, Vellore City Municipal Corporation,
Vellore District.
- 4.The Joint Director / LPA Member,
District Town and Country Planning Office,
Ex-Servicemen Welfare Office building,
Vellore.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus to to direct the 1st Respondent to dispose of the appeal dated 12.06.2023 preferred by the Petitioner within the time stipulated by this Court in the light of the Judgment and Decree dated 02.12.2020 made in O.S.No.81 of 2020 on the file of Principal District Judge, Vellore and the order passed in Keela Eral KammavarArakattalai Vs. State of Government of T.N., reported in 2025(1) CTC 183.

For Petitioner : M/s.Calwin Jones
for Mr.Ajmal Associates

For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1, 2 & 4
Mr.P.S.Prabhu
Standing Counsel for R3

ORDER

This writ petition has been filed to direct the 1st respondent to dispose of the appeal dated 12.06.2023 preferred by the petitioner within the stipulated time fixed by this Court in light of the judgment and decree dated 02.12.2020 made in O.S.No.81 of 2020 on the file of the Principal District



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Judge, Vellore and the order passed in Keela Eral Kammavar Arakattalai Vs.

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State of Government of T.N., reported in 2025(1) CTC 183.

The brief facts are as follows:

2.The petitioner owns land comprised in S.No.678/2 through two separate sale deeds in 2007. The patta for the said land was mutated in the name of the petitioner in 2008. The 3rd respondent did not grant an approval for the said land stating that the land belongs to them. The petitioner filed an O.S.No.266 of 2014 before the Sub Court, Vellore which was renumbered as O.S.No.21 of 2020, herein the suit was decreed in 2020 declaring that the petitioner's property absolutely belongs to him. The petitioner has approached the 3rd respondent in 2022 for grant of approval for construction. The 3rd respondent forwarded the petitioner's application to the 4th respondent, but since there was no action taken, the petitioner filed a writ petition in W.P.No.8229 of 2023 wherein this Court disposed the writ petition and directed the 4th respondent to consider and pass orders on the petitioner's application. The 4th respondent rejected the petitioner's application against which the petitioner preferred an appeal before the 1st



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respondent who in-turn called for a report from the 4th respondent. Since there was no action taken even based on the report of the 4th respondent, Hence, this present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the above appeal has to be considered in the light of the said decree passed by the Civil Court and the judgment reported in **2025(1) CTC 183**.

4. The learned Government Advocate appearing for the respondents 1, 2 & 4 submitted that the appeal has filed by the petitioner dated 12.06.2023 will be considered on merits and in accordance with law within time frame that may be stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. The 1st respondent is directed to dispose of the above said appeal of the petitioner dated 12.06.2023 filed under Section 79 of Town and Country Planning Act, 1971, after giving due notice to the petitioner, opportunity of



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personal hearing and consider the documents filed by the petitioner on merits and in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs.

18.03.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order

To

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