



W.P.No.7955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**
W.P.No.7955 of 2025

Selvi

... Petitioner

vs.

1. The Deputy Director,
Tamil Nadu Town and Country Planning,
1st Floor, Kumaran Complex,
Near Railway Station,
Tiruppur 641 601.

2. The Executive Officer,
Madathukulam Town Panchayat,
Madathukulam,
Tiruppur District.

3. The President,
Madathukulam Town Panchayat,
Madathukulam,
Tiruppur District.

.. . Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent Nos.2, 3 to consider the petitioner representation dated 25.10.2024 for granting of final lay out approval and in view of technical clearance order of 1st respondent vide proceedings in ROC.No.97XY3POX/2023/TCP dated 17.07.2023.

For Petitioner : Mr.K.Myilsamy



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For Respondents : M/s.R.L.Karthika
Government Advocate

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ORDER

By consent of both the parties, this writ petition is disposed of at the time of admission stage itself.

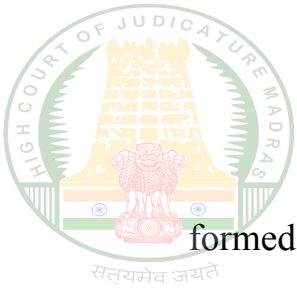
2. The present writ petition has been filed to direct the respondent Nos.2 & 3 to consider the petitioner representation dated 25.10.2024 for granting of final lay out approval and in view of technical clearance order of 1st respondent vide proceedings in ROC.No.97XY3POX/2023/TCP dated 17.07.2023.

3. It is the case of the petitioner that he is the owner of land admeasuring to an extent of 65 1/2 cents comprising in S.Nos.14/3, 15/7 situated at Agraharakannadiputhur Village, Madathukulam Taluk, Tirupur District by virtue of registered settlement deed dated 05.12.2022 bearing Doc.No.5684 of 2022 on the file of SRO, Kaniyur, which was executed by her husband M.Udayakumar. All the revenue records were mutated into the name of the petitioner. Ever since the date of settlement, the petitioner has been in separate possession and enjoying it without any interruption.



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WEB COPY 4. It is the further case of the petitioner that the petitioner intended to develop the property and accordingly she made an application for layout permission before the 1st respondent . In response to the same, the 1st respondent has granted a technical clearance to the petitioner vide proceedings in ROC.No.97XY3POX/2023/TCP dated 17.07.2023 subject to certain special conditions that the petitioner has to gift a portion of land to the local bodies for the formation of a road, provide infrastructure facilities such as roads, water supply, electricity and other amenities. Pursuant to the technical clearance order of the 1st respondent, the petitioner has gifted a portion of land to the 2nd respondent vide registered Gift Deed dated 05.07.2023 and formed layout house sites without any omissions. On completion of the entire layout, the petitioner submitted an application before the 2nd respondent for final approval in accordance with the conditions as stipulated in the above referred technical clearance order of the 1st respondent as per Rule 5(3) of the Tamil Nadu Combined Development and Building Rules, 2019. Pursuant to the same, the second respondent conducted an inspection and directed the petitioner to form a drainage water canal on both sides of the house sites vide proceedings in Na.Ka.No.387 of 2023 dated 10.10.2024. Thereafter, the petitioner has



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formed a drainage water canal and diligently complied with the conditions of the 2nd respondent. Hence, the petitioner sent a representation dated 25.10.2024 to the 2nd respondent and informed them that the drainage water canal was formed on both sides of the house sites.

5. It is the further case of the petitioner that the second respondent will process the application and give a final approval since all the formalities were completed and sanctioned permission was appended. However, there was no response from the office of respondent Nos.2 and 3. Hence, the petitioner has filed the present writ petition.

6. The learned counsel appearing for the petitioner has drawn attention of this Court vide letter No.Na.Ka.No.387/2023 dated 13.09.2023 of the second respondent, Executive Officer, Madathukulam Twon Panchayat, Tirupur District to the petitioner stating that there is no waste water drainage on both sides of the plots and therefore directed the petitioner to submit the application for final approval after completing all the basic facilities of the house.



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WEB COPY 7. The learned counsel further submitted that based on the letter dated 10.10.2024 vide Na.Ka.No.387/2023, the petitioner has completed the basic facilities and thereafter he has given a representation dated 28.10.2024 to the 2nd respondent and the same was not considered till date.

8. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner dated 28.10.2024 will be considered on merits and in accordance with law within a time frame, that may be fixed by this Court.

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

10. In view of the above submission made by the learned counsel on either side, the second respondent is directed to consider the representation of the petitioner dated 25.10.2024 on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.



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J.SATHYA NARAYANA PRASAD,J.

kkd

This writ petition is disposed of with the above observation and direction. No costs.

10.03.2025

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

To

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