



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-03-2025**

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**THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD**

**WP No. 8757 of 2025**

**AND**

**WMP No. 9815 of 2025**

K.Bagavathi Ammal  
D/o.Ayyam Pillai,  
13A/20, New Bangaru Colony 1st Street,  
K.K.Nagar, West,  
Chennai 600 078.

Petitioner(s)

Vs

1. Town and Country Planning  
Department,  
Rep. by its Joint Director / Assistant  
Director,  
124, GST Road,  
Municipal Commercial Complex,  
Chengalpattu- 603 001.
- 2.Maraimalai Nagar Municipality  
Rep. by its Commissioner, Chengalpattu  
Taluk and District.
- 3.M/s.AKS Housing Development  
Company Private Limited,  
Rep. by its Director,  
Mr.Anand Seshadri,



Flat No.F1, New No.12, Old No.17,  
AKS Dhruva, Balaji Avenue, 1st Street,  
T.Nagar, Chennai 600 017.

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Respondent(s)

**PRAYER:** This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st and 2nd respondent to consider and pass order on the petitioner's representation dated 04.03.2025 objecting to the technical approval of layout to the 3rd respondent for the property to an extent of 216.22 cents (94184 Sq.ft) at No.79, Gudulam Village, comprised in Survey No.121/7 part, 131/1B, 131/2, 131/3, 131/4, 131/5, 132/1A, 132/1B, 132/1C, 132/1D, 132/1E, 132/1F2, 132/1G2, 132/1H2, 132/2B, 132/3, 132/4A, 132/4B, 132/4C, 132/4D, 132/4E, 132/4F, 132/4G, 132/4H, 132/4I and 132/4J at Maraimalai Nagar Municipality, Chengalpattu Taluk and District accorded by the 1st Respondent vide ROC No.5EJMFWB3/ 2024/ JCP dated 15.11.2024 expeditiously and in accordance with law more particularly as contemplated under Section 54 (1) of the Town and Country Planning Act, 1971.

For Petitioner(s): Mr.D.S.Rajasekaran

For Respondent(s): M/s.R.L.Karthika  
Government Advocate for R1  
Mr.P.Srinivas for R2

### **ORDER**

This Writ Petition is filed for issuance of writ of mandamus to direct the 1st and 2nd respondent to consider and pass orders on the petitioner's representation dated 04.03.2025 objecting to the technical approval of layout to the 3rd

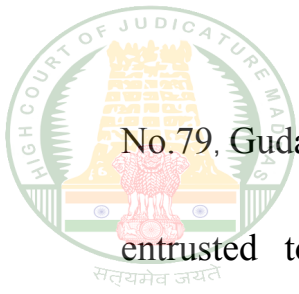


respondent for the property to an extent of 216.22 cents (94184 Sq.ft) No./9, Gudulam Village, comprised in Survey No.121/7 part , 131/1B, 131/2, 131/3 , 131/4, 131/5 , 132/1A, 132/1B, 132/1C, 132/1D, 132/1D, 132/1E, 132/1F2, 132/1G2, 132/1H2, 132/2B, 132/3, 132/4A, 132/4B, 132/4C, 132/4D, 132/4E, 132/4F, 132/4G, 132/4H, 132/4I and 132/4J at Maraimalai Nagar Municipality, Chengalpattu Taluk and District accorded by the 1st Respondent vide ROC No .5EJMFWB3/ 2024/ JCP dated 15.11.2024 expeditiously and in accordance with law more particularly as contemplated under Section 54 (1) of the Town and Country Planning Act, 1971.

2. M/s.R.L.Karthika, learned Government Advocate takes notice on behalf of the first respondent. Mr.P.Srinivas, learned counsel, takes notice on behalf of the second respondent.

3. By consent of the parties, the main Writ Petition is taken up for disposal at the admission stage itself.

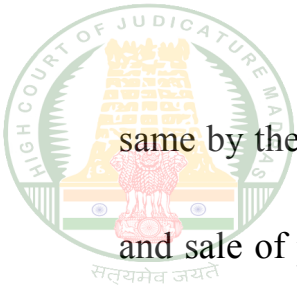
4. The case of the petitioner is that the subject land to an extent of 2.19 acres in



No.79, Gudalore village, belonged to M/s.R.R.P.Housing Pvt. Ltd., and the same was entrusted to the petitioner for development. The petitioner had considerably

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developed the land and also raised compound walls all around the property which costs her a sum of Rs.3 crores and thereabouts. In the meantime, the said RRP Housing Pvt. Ltd., went into liquidation and though the liquidation proceedings is pending before the Hon'ble Supreme Court by way of a review petition, the official liquidator proceeded to bring the subject property for sale and the 3rd respondent herein had managed to purchase the same. Since the subject property was sold to the 3rd respondent as is where condition, the 3rd respondent had stepped into the shoes of the RRP Housing Pvt. Ltd and is liable to settle all dues payable to the petitioner for such development of the land. The 3rd respondent had applied to the 1st respondent for approval of the layout of the subject property. The 3rd respondent had managed to violate procedures mandatory for such layout approval viz., formation and earmarking of approach road, gifting of the road and OSR land to the 2nd respondent, besides earmarking for EWS section of land had manipulated and managed to get a technical layout approval from the 1st respondent and the 1st respondent had directed the 2nd respondent to accord permission based on such approval. The petitioner had invested a sum of Rs.3 crores, awaiting settlement of the



same by the 3rd respondent, which is dependent on the process of approval of layout and sale of plots thereon was alarmed by the illegal act of obtaining approval/layout from the 1st respondent and being well aware of future litigations against such illegally obtained approval, the petitioner had submitted her representation to the 1st and 2nd respondents on 04.03.2025, seeking to enquire in the process of such approval of layout on the application of 3rd respondent. However, till date, the said representation was not considered by the 1st and 2nd respondents. Hence, the petitioner had filed the present writ petition.

5. The learned counsel for the petitioner submitted that the 3rd respondent had purchased the subject property under SARFAESI proceedings and the 3rd respondent has not put in possession of the subject property till date. Further, he would submit that the technical layout approval has been granted to the 3rd respondent without even earmarking the approach road and gifting of the road and also OSR land for public purpose. It is also submitted that the objection/representation made by the petitioner dated 04.03.2025 objecting the technical layout granted to the 3rd respondent was not at all considered. Hence, the learned counsel for the petitioner prayed for appropriate directions from this Court.



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6. The learned counsel appearing for the 2nd respondent would submit the 2nd respondent will forward the proposal to the 1st respondent for approval of layout for the subject property in question.

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

8. Considering the submissions made on either side and taking into consideration the facts and circumstances of the case and also the relief sought for in this writ petition, this Court passes the following order:

(i) The first respondent is directed to conduct a detailed enquiry after giving due notice to the petitioner and the third respondent and thereafter consider the representation of the petitioner dated 04.03.2025 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner and the third respondent.

(ii) The said exercise shall be done within a period of eight (8) weeks from the date of receipt of a copy of this order.



9. At this juncture, the learned counsel for the petitioner submitted that as per the Section 58(2) of the Tamil Nadu Town and Country Planning Act, if any development is made after granting the approval, the 1st respondent is bound to bear the costs.

10. In view thereof, there shall be an order of status quo as on date till the date of conclusion of the above enquiry proceedings on the representation of the petitioner dated 04.03.2025.

11. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**13-03-2025**

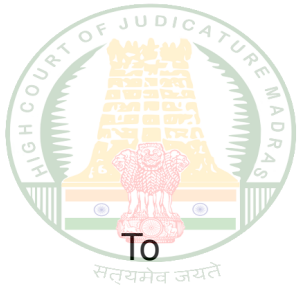
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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1. Town and Country Planning Department,

Rep. by its Joint Director / Assistant Director,

124, GST Road,

Municipal Commercial Complex, Chengalpattu- 603 001.

2. Maraimalai Nagar Municipality

Rep. by its Commissioner, Chengalpattu Taluk and District.

3. M/s. AKS Housing Development

Company Private Limited,

Rep. by its Director,

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Flat No. F1, New No. 12, Old No. 17, AKS Dhruva, Balaji Avenue, 1st Street,

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**J.SATHYA NARAYANA PRASAD J.**  
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