



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.11983 of 2025

M.Sivaguru,
S/o.K.Mahalingam,
No.6, Veerasamy Street,
Oldpet,
Krishnagiri Town & Taluk,
Krishnagiri District.

Petitioner(s)

Vs

1.The Director,
Town and Country Planning Authority, CMDA
Office Company,
E & C Market Road,
Virugambakkam,
Koyambedu, Chennai-600 107.

2.The Assistant Director,
Town & Country Planning,
Door No.39/9, 1st Floor,
Min Nagar, 2nd Cross, Near TNEB Office,
Rayakottai Salai, Hosur-635 109,
Krishnagiri District.



3.The Commissioner,
Krishnagiri Municipal Corporation,
Krishnagiri.

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4.T.Prabhu,
S/o.Thangavelu,
Door No.83/192,
Narasimmasamy Koil Street,
Oldpet,
Krishnagiri Town & Taluk,
Krishnagiri District.

Respondent(s)

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, directing the 2nd and 3rd respondents to consider the appeal dated 19.02.2025 and consequently grant planning permission approval for the petitioner's property comprised in SY.No.21/1, New SY.No.4/6 as per Krishnagiri Municipality Union Ward No.2, Municipal Ward No.7, Narasingaperumal Koil Street, Krishnagiri Taluk, Krishnagiri District, and pass such further orders.

For Petitioner(s): Mr.R.Ramesh

For Respondent(s): Mrs.R.L.Karthika,
Government Advocate for R1 & R2

Mr.S.Rajesh,
Government Advocate for R3

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the appeal dated 19.02.2025 and



consequently grant planning permission approval for the petitioner's property

comprised in SY.No.21/1, New SY.No.4/6, as per Krishnagiri Municipality

Union Ward No.2, Municipal Ward No.7, Narasingaperumal Koil Street,

Krishnagiri Taluk, Krishnagiri District.

2. The Petitioner is the current owner of the property located at Narasimmaoil Street, Krishnagiri, purchased through a chain of registered transactions. The property was originally owned by the fourth respondent, who had executed a General Power of Attorney in favour of Mr.Thimmaraj. Mr.Thimmaraj sold the property to Mr.Ramamurthy in 2022 (Registered Document No.2089/22, dated 01.06.2022), who then sold it to the petitioner in 2023 (Registered Document No.260/2023). Subsequently, the fourth respondent filed a civil suit in O.S.No.1 of 2024 before the Principal District Court, Krishnagiri, challenging the petitioner's title and seeking an injunction. The trial court initially granted an ex parte injunction, which was later vacated after hearing both parties and considering the petitioner's documents. The fourth respondent then filed complaints before various authorities, leading to the



issuance of notices and halting of construction on the petitioner's property.

Despite applying for building plan approval and paying necessary charges, the petitioner's application was kept pending due to objections raised by the fourth respondent and citing the pendency of civil litigation.

3. Learned counsel appearing for the petitioner submits that the petitioner is the absolute owner of the property and is in lawful possession and enjoyment of the same. He submits that the civil suit filed by the fourth respondent has been unsuccessful so far, with the court dismissing the interim injunction. He further submits that the petitioner has complied with all requirements, including the submission of documents, payment of charges, and filing of an appeal dated 19.02.2025 before the first respondent, which was forwarded to the second respondent. However, the second and third respondents have kept their application and appeal pending without any valid reason. He alleges that the delay is due to political pressure and influence exerted by the fourth respondent. Hence, this writ petition is filed.



4. Learned Government Advocate appearing for the respondents submits that the appeal filed by the petitioner dated 19.02.2025 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

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

6. Without going into the merits of the case, the second and third respondents are directed to consider the appeal dated 19.02.2025 and consequently grant planning permission approval for the petitioner's property comprised in SY.No.21/1, New SY.No.4/6 as per Krishnagiri Municipality Union Ward No.2, Municipal Ward No.7, Narasingaperumal Koil Street, Krishnagiri Taluk, Krishnagiri District and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs.

03-04-2025

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Index:Yes/No

Speaking/Non-speaking order



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J.SATHYA NARAYANA PRASAD J.

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To

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Town and Country Planning Authority, CMDA
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