



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 23355 of 2022

AND

WMP NO. 22302 OF 2022

C.Balan

Petitioner(s)

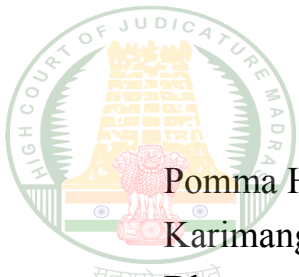
Vs

1. The Deputy Director/ Asst. Director
(G)
District Town and Country Planning
Office,
83, Pidamaneri Road,
Appavu Nagar, Dharmapuri 636 701.

2.The Superintending Engineer / EDC
TANGEDCO,
Salem Main Road,
Opp. District Collector Office,
Dharmapuri.

3.The Sub Registrar
Karimangalam Sub Registrar Office,
Dharmapuri District.

4. The President



Pomma Halli Village Panchayat,
Karimangalam Panchayat Union,
Dharmapuri District

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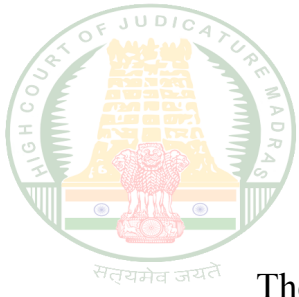
(R5 IMPEADED VIDE ORDER DT
22.09.2022 made in WMP.23596/2022
in WP.23355/2022)

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No. 32/2022 Tha. Ma dated 4.3.2022 and Na.Ka.No. 32/2022/ Thama dated 24.03.2022 on the file of the 1st Respondent and quash the same consequently directing the 1st respondent to restore the approved layout Map for road and park in Na.Ka. No.32/2022 Thama dated 25.01.2022 on the file of the 1st Respondent.

For Petitioner(s): Mr.Suhrith Parthasarathy
for Mr.R.Sethuvarayar

For Respondent(s): Mr.N.Naveen Kumar
Government Advocate for R1, 3
& 4
Mr.Swami Subramanian,
Standing Counsel for R2
Mr.S.Subramanian for R5

**ORDER**

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The present Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Na.Ka.No. 32/2022 Tha. Ma dated 4.3.2022 and Na.Ka.No. 32/ 2022/ Thama dated 24.03.2022 on the file of the 1st Respondent and quash the same consequently directing the 1st respondent to restore the approved layout Map for road and park in Na.Ka. No.32/2022 Thama dated 25.01.2022 on the file of the 1st Respondent.

2. The case of the petitioner is that the petitioner had purchased the properties comprised in Survey Nos.275/1C3B, 275/2C3B, 275/3B2B, 26/1, 275/2 at Pommanahalli Village, Karimangalam Taluk, through registered Sale Deed in Doc.No.297/2021 & 298/2021 on 05.02.2021, which were duly registered with Sub Registrar Office at Karimangalam for the valuable consideration from one Praveen Raj and thereafter the petitioner obtained patta in the his name vide Patta No.2040 and 2041. It is stated that the vendor of the above said properties had already obtained “No Objection Certificate” from Tahsildar of Karimangalam for promote the lands as layout on 12.09.2020



through Mu.Mu.3310/2020/C1, after purchasing the above properties along with

“No Objection Certificate”, the petitioner intended to promote the lands as

layout and had submitted an application for the approval of the layout before the

1st respondent. After perusal of the documents, the 1st respondent passed an

order on 25.01.2022 and directed the petitioner to execute a registered gift deed

in favour of Local Authority and Electricity Board. Pursuant thereto, the

petitioner had submitted online application on 07.01.2022 to the 1st respondent,

and which has been examined and approved the map for road and park by the 1st

respondent herein and directed the petitioner to execute gift deed in favour of

Local Authority and the 2nd respondent. As per the direction of the first

respondent, the petitioner had executed gift deed in favour of the Block

Development Officer, Karimangalam Panchayat Union on 12.03.2022, vide

Doc.No.682/2022 and had executed an another gift deed in favour of second

respondent on 12.03.2022 vide Doc.No.681/2022 on the file of Sub Registrar

Office, Karimangalam. After complying all conditions for an approval to the

petitioner's house site layout, the first respondent herein approved the map for

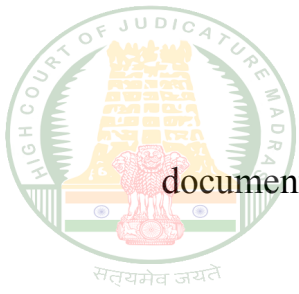
park and road through Na.Ka.No.32/2022 Tha.Ma. Therefore, the petitioner on



25.01.2022 has started the project work in petitioner's layout area. When such being so, on 04.03.2022, the 1st respondent herein issued impugned letter to return back the approved map by stating that there is a civil suit, which is pending in O.S.No.101/2018.

3. The main grievance of the petitioner is that he has obtained a layout approval on 25.01.2022 and the said approval was cancelled without even issuing notice to the petitioner, on the ground that a civil suit in O.S.No.101/2018 is pending and the respondents have formed an opinion that the petitioner has no valid title in respect of the aforesaid properties. Challenging the same, the petitioner had filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that without giving any notice to the petitioner, the first respondent in its order dated 04.03.2022 had cancelled the layout approval and directed the petitioner to return the approved map. Further, he would submit that the petitioner is now willing to give a fresh representation to the first respondent along with all the relevant



documents, within the time frame that may be stipulated by this Court.

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5. Mr.N.Naveen Kumar, learned Government Advocate for the respondents 1, 3 & 4 would submit, on receipt of such representation submitted by the petitioner to the first respondent, the same shall be considered on merits and in accordance with law.

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

7. In view of the submissions made by the learned counsel on either side and as rightly contended by the learned counsel for the petitioner that the impugned order dated 04.03.2022 has been passed without giving any due notice to the petitioner, which is in violation of principles of natural justice, this Court is of the view that the impugned order is liable to be set-aside.

Accordingly, this Court passes the following orders/directions:

(i) The impugned order dated 04.03.2022 is set-aside.

(ii) The petitioner is directed to give a fresh representation to the first



respondent by enclosing all the relevant documents, within a period of three weeks from the date of receipt of a copy of this order.

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(ii) On receipt of such representation submitted by the petitioner, the first respondent shall conduct a detailed enquiry after giving due notice to the petitioner as well as the 5th respondent, and after affording an opportunity of personal hearing to the petitioner and the 5th respondent, consider the documents submitted by both the parties and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks thereafter.

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

26-03-2025

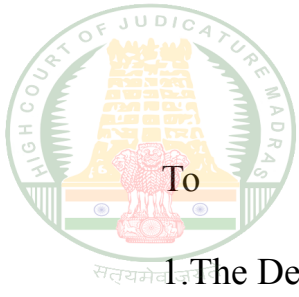
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd



To

1. The Deputy Director/ Asst. Director

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District Town and Country Planning
office, 83, Pidamaneri road, Appavu
Nagar, Dharmapuri 636 701

2. The Superintending Engineer / EDC
TANGEDCO, Salem Main Road, Opp.
District Collector Office, Dharmapuri

3. The Sub Registrar
Karimangalam Sub Registrar Office,
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4. The President
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