



W.P.No.33741 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33741 of 2024

and

W.M.P.No.36535 of 2024

1.K.Rajendran

2.R.Vijaya

... Petitioners

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Deputy Director,
Town and Country Planning Department,
No.6, Sannathi Street, Subramania Nagar,
Suramangalam,
Salem – 636 302.

3.The Tahsildar,
Sankari Taluk,
Salem District.

4.The Block Development Officer,
Magudanchavadi Union,
Salem District.

5.Mekala



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The Panchayat President,
Ernapuram Village Panchayat,
Magudanchavadi Union,
Magudanchavadi,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 5th respondent to grant final approval for the Layout measuring about 5 Acre 66 cents comprised in Survey No.246/2A and 246/2B situated at Ernapuram Village, Magudanchavadi, Sangakiri Taluk, Salem District for the DTCP approved layout in DTCP Approval No.SWP/DTCP/SALEM/LAYOUT No.199/ 2023 dated 08.08.2023 by considering the petitioners representation dated 03.10.2024 within time frame that will be fixed by this Honourable Court.

For Petitioners : Mr.R.Jayaprakash

For Respondents
(R1 to R4) : Mr.M.Rajendiran
Additional Government Pleader

(For R5) : No appearance



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ORDER

The writ petition has been filed to issue a writ of Mandamus, directing the 5th respondent to grant final approval for the Layout measuring about 5 Acre 66 cents comprised in Survey No.246/2A and 246/2B situated at Ernapuram Village, Magudanchavadi, Sangakiri Taluk, Salem District for the DTCP approved layout in DTCP Approval No.SWP/DTCP/SALEM/LAYOUT No.199/2023 dated 08.08.2023 by considering the petitioners representation dated 03.10.2024.

2. The case of the petitioner is that the petitioners are the absolute owners of 5 Acre 66 cents of land properties and the Patta No.846 for properties in Survey No.246/A and Patta No.1335 for properties in Survey No.246/2B1. The petitioners have decided to form residential layout and for forming the layout, they have entered into an agreement with M/s.Primecity Ventures Private Limited and getting the necessary approval from DTCP and other appropriate authorities. After completion of all the rules and regulations stipulated by the Government of Tamil Nadu for grant of



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approval for the layout, the 2nd respondent vide order dated 08.08.2023 has granted residential Layout Approval order. After the approval order by the 2nd respondent, through their letter dated 08.08.2023, the 2nd respondent sent the Layout papers to the 5th respondent for final approval. On 12.08.2023, the petitioners submitted an application to the 5th respondent for their final approval. For giving final approval layout, the petitioner's husband demanded 50 Lakhs bribe from the petitioners. Thereafter, on 04.09.2023, the petitioners lodged a complaint to the Vigilance and Anti-Corruption Police, Salem District and the Vigilance and Anti-Corruption Police arrested the husband of the 5th respondent.

3. In view of the fact that the 5th respondent has not given final layout approval, on 30.10.2023, the petitioners submitted a complaint to the 1st respondent to issue final approval for the layout. After lodging of the complaint, the 1st respondent inspected the layout and the layout was measured by the 3rd respondent. Thereafter, the 3rd respondent/Tahsildar vide his order dated 06.12.2023, clearly mentioned that no part of the



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Government land is encroached by the petitioners and there is no water body in the subject property.

4. The Deputy Director Rural Development (Panchayats) in his letter dated 05.02.2024 instructed the 5th respondent to issue the final layout approval order. Contrarily, the 5th respondent has not issued the final layout approval order, returned the application submitted by the petitioner on 17.02.2024.

5. The petitioners filed W.P.No.24944 of 2024 with the very same prayer in the present writ petition and this Court passed an order on 30.08.2024 and the same reads as under:

“3.As per the records, the application submitted by the petitioner to grant final approval for layout of the subject property was returned by a communication dated 17.02.2024. A perusal of the communication dated 17.02.2024, there are so many directions to comply with and re-present the application for grant of final approval. It is seen that the petitioner did not comply with the said conditions and failed to re-submit the



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application.

4. In view of the above, the prayer sought for in this writ petition cannot be granted. Thus, the writ petition is devoid of merits and it is liable to be dismissed. However, the petitioner is at liberty to comply with the order passed by the fifth respondent dated 17.02.2024 and represent the application for grant of final layout approval.

5. In the result, this writ petition stands dismissed. No costs."

6. After compliance of the orders dated 17.02.2024, the petitioners submitted a representation to the 5th respondent on 03.10.2024, seeking final approval for layout of the subject property. But, the 5th respondent is reluctant in considering the representation. Hence, the petitioners are constrained to move the present writ petition.

7. The learned counsel appearing on behalf of the petitioners submitted that the petitioners have given a representation dated 03.10.2024 to the 5th respondent/The Panchayat President and the same has not been considered till date.



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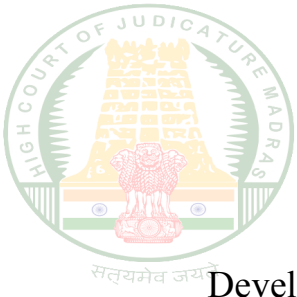
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8. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 submitted that the tenure of the Panchayat President was already over on 05.01.2025 and the Special Officer has been appointed by the Government and the Government Orders to that effect was issued on 06.01.2025. Hence, the 4th respondent/Block Development Officer is the competent authority to consider the representation of the petitioner.

9. The learned Additional Government Pleader appearing for the respondents 1 to 4 further submitted that the petitioners have given the representation only to the 5th respondent. Hence, the petitioner may be directed to give a fresh representation to the 4th respondent.

10. Heard both sides.

11. In view of the above submission made by the learned counsel on either side and without going into the merits of the matter, the petitioners are directed to give a fresh representation to the 4th respondent/Block



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Development Officer, within a period of two (2) weeks from the date of receipt of a copy of this order and on receipt of the same, the 4th respondent/Block Development Officer shall consider the representation submitted by the petitioners on merits, in accordance with law and pass appropriate orders within a period of six (8) weeks thereof.

12. Accordingly, the writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

04.02.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To

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Salem District,
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2.The Deputy Director,
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