



W.P.(MD)No.6079 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6079 of 2025

and WMP (MD) No.4466 of 2025

J.Jayadass

: Petitioner

Vs.

1. The Director,
Directorate of Town and Country
Planning,
Koyambedu,
Chennai - 600 107.

2. The Assistant Director,
Directorate of Town and Country
Planning,
Tirunelveli Division,
Tirunelveli.

3. The Block Development Officer,
Udangudi Town Panchayat,
Thoothukudi District.

4. The Thasildar,
Tiruchendur Taluk,
Thoothukudi District.

5. Arul Raj

: Respondents



W.P.(MD)No.6079 of 2025

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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of certiorari Mandamus, calling for the records relating to the impugned order in Na.Ka.No.573/2018 Thi li Ma3 dated 11.08.2018 passed by the 2nd respondent and consequential impugned order in Na.Ka.No.35/2018 dated 06.05.2019 passed by the 3rd respondent and quash the same and also seeking direction against the 3rd and 4th respondents to remove fence situated in Western side of the Survey No.195/1A4, Kalankudieruppu, Tiruchendur Taluk, Thoothukudi District by considering the petitioner representation dated 08.12.2023.

For Petitioner : Mr.Mark J. Jackson

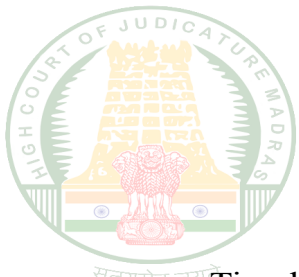
For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader
for R1, R2 & R4

Mr.A.Baskaran
Addl. Government Pleader
for R3

ORDER

This Writ Petition has been filed challenging the technical approval and the consequential approval proceedings issued by the respondents 2 and 3, for forming a layout by the fifth respondent and also seeking for a direction to the respondents 3 and 4, to remove the fence situated in Western side of the Survey No.195/1A4, Kalankudieruppu,



W.P.(MD)No.6079 of 2025

WEB COPY

Tiruchendur Taluk, Thoothukudi District, by considering his representation dated 08.12.2023.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleaders, appearing on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3. The petitioner claims to be the adjacent landowner to the fifth respondent, with a valid patta in his favour. The petitioner is engaged in agricultural activities on his patta land. The fifth respondent submitted an application seeking approval for the formation of a layout. The grievance of the petitioner is that the respondents 3 and 4, without providing the petitioner an opportunity of hearing, granted permission to establish an Open Space Reservation (OSR) / Park area, thereby blocking the access to the petitioner's agricultural land. Furthermore, the petitioner alleges that the fifth respondent fenced the layout without providing any access to the neighbouring agricultural landowners. Despite these issues,



W.P.(MD)No.6079 of 2025

WEB COPY

respondents 3 and 4 proceeded to grant approval through their proceedings dated 11.08.2018 and 06.05.2019, without considering the petitioner's objections. Aggrieved by this, the petitioner has been compelled to file the present writ petition.

4. On the other hand, the learned Additional Government Pleader, appearing on behalf of the respondents 1, 2 and 4, submitted that submitted that if the petitioner submits a representation detailing all the allegations raised before this Court, the same shall be considered in accordance with the law.

5. Upon careful consideration of the submissions made by both parties, this court, without going into the merits of the matter, directs the petitioner to submit a fresh representation to the respondents 1 to 4 within a period of two weeks from today. Upon receipt of such representation, the same shall be considered on merits and in accordance with law and pass appropriate orders, within three weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any. Till such time, the status quo shall be maintained between the parties.



W.P.(MD)No.6079 of 2025

WEB COPY

6. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.6079 of 2025

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W.P.(MD)No.6079 of 2025

VIVEK KUMAR SINGH, J.

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