



W.P.(MD)No.22092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22092 of 2024

and

W.M.P.(MD)No.2084 of 2025

S.Amalrosario Ponkumar

... Petitioner

Vs.

- 1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
E & C Market Road,
Koyambedu,
Chennai 600 107.
- 2.The District Collector,
Collectorate,
Korampallam,
Thoothukudi.
- 3.The Assistant Director of Panchayat,
O/o. Assistant Director of Panchayat,
Collectorate,
Thoothukudi.
- 4.The Deputy Director,
O/o. Thoothukudi District Town and Country Planning,
No.51, Mela Ratha Veethi,
Thoothukudi 628 002.
- 5.The Executive Officer,
Udangudi Panchayat,
Tiruchendur Taluk,
Tuticorin District.



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6.The Sub-Registrar,
Udangudi,
Tiruchendur Taluk,
Tuticorin District.

7.C.Gunasekaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th respondent to grant any approval, including DTCP approval, to the 7th respondent as the 7th respondent is trying to get approval to a land including the land of the petitioner illegally, though the O.S.No.70 of 2023 filed by the petitioner pending before the learned District Munsif Court, Thiruchendur.

For Petitioners	: Mr.V.Rajiv Rufus
For Respondents 1 to 4, 6	: Mr.D.S.Neduncheliyan Government Advocate
For 7 th Respondent	: Mr.Prabhu Rajadurai For Mr.V.Sukumar

ORDER

This Writ Petition is filed, seeking to direct the 4th and 5th respondent to grant any approval, including DTCP approval, to the 7th respondent as the 7th respondent is trying to get approval to a land including the land of the petitioner illegally, though the O.S.No.70 of 2023 filed by the petitioner pending before the learned District Munsif Court, Thiruchendur.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.



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3. When the matter came up for hearing, the learned counsel for the petitioner suggested a feasible remedy for the plight of the petitioner that the property bearing survey Nos. 28/3B2, 28/4B and 28/5B was alienated by the 7th respondent to the petitioner. The 7th respondent had developed a layout with respect to the adjacent land belonging to him, which lies adjacent to the petitioner's property and have obtained DTCP approval on 28.03.2023. However, the petitioner had filed a suit in O.S.No.70 of 2023 as against the 7th respondent herein on the file of the learned District Munsif, Thiruchendur, for recovery of possession to an extent of 2 cents of land and for injunction. Having failed to obtain an injunction order in the aforesaid suit, the petitioner had filed this Petition to thwart the local body from giving further permission to the petitioner to sanction the said layout following the DTCP approval given by the first respondent.

4. The learned counsel for the 7th respondent vehemently submitted that the Writ Petition itself is not maintainable for the sole reason that the petitioner has no right to seek a Mandamus, forbearing the official respondents from exercising the statutory duty cast upon them in consideration of the 7th respondents herein. However, to give quietus to the petitioner's plight, the learned counsel for the 7th respondent further submitted that the 7th respondent would undertake not to alienate plot No. 37 in the approved layout as approved by the DTCP till the disposal of the civil suit in O.S.No.70 of 2023 pending on the file of the learned District



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Munsif, Thiruchendur.

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5.The learned counsel for the petitioner satisfying on such terms, submitted that the Writ Petition shall be disposed of on that said terms.

6.Accordingly, this Writ Petition is disposed of, directing the 7th respondent not to alienate plot No.37 in the approved layout, which was approved by the 4th respondent in Town and Country Planning Department, bearing R.O.C.No.Z20RVVW8/Thoothukudi/T/2022/TCP, dated 28.03.2023, till the disposal of O.S.No.70 of 2023 on the file of the learned District Court, Thiruchendur. The 7th respondent is at liberty to produce this order before the 5th respondent. On receipt of the same, the 5th respondent is directed to further process the petitioner's application for approval of layout. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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