



W.P.(MD)No.25667 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.25667 of 2025

Selvamari

... Petitioner

Vs.

1. The Director of Town and Country Planning,
2nd, 3rd and 4th Floor,
CMDA Commercial Complex,
E and D Market Road,
Koyambedu,
Chennai 600 107
 2. The Assistant Director,
District Town and Country Planning Office,
Kallorani Village,
Tirunelveli Road,
Pavoorchathiram,
Tenkasi.
 3. The Assistant Director,
Department of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Tenkasi.
- ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus to direct the 2nd respondent to pass final orders in the application NO.IPD5CXBU dated 01.02.2023 seeking approval of layout in S.No.382 at Idaikal Village, Kadayanallur Taluk, Tenkasi District, on merits in accordance with law, after receiving the report from the 3rd respondent as requested by 2nd respondent vide proceedings dated 22.04.2024.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus to direct the 2nd respondent to pass final orders in the application NO.IPD5CXBU dated 01.02.2023 seeking approval of layout in S.No.382 at Idaikal Village, Kadayanallur Taluk, Tenkasi District, on merits in accordance with law, after receiving the report from the 3rd respondent as requested by 2nd respondent vide proceedings dated 22.04.2024 .”



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2. The brief facts as set out in the affidavit filed in support of the writ petition reads as follows:-

The petitioner would submit that he is the owner of the land comprised in S.No.382 situated at Idaikal Village, Kadayanallur Taluk, Tenkasi District, measuring an extent of 1.80.00 hectares, equivalent to 4.45 acres. He has decided to develop housing plots in the above mentioned land, for which he has made an application bearing A.No.IPD5CXBU dated 01.02.2023 for approval of layout. The 2nd respondent by his order dated 23.05.2023, stated that 'M Sand Unit' is running within 160 meters from the petitioner's property and therefore, he has to clarify with the District Environment Engineer Office, Tamil Nadu Pollution Control Board, Tenkasi.

3. The Environment Engineer on 14.06.2023 clarified that the distance of 300 meters from the 'M Sand Unit' has to be considered as an Orange Category and therefore, the 1st respondent has to make a decision on their own rules for approval of layout. However, no action has been taken by the respondents.



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4. He would submit that a newly formed layout viz., Ashok Nagar is situated just 100 meters away from the said 'M Sand Unit' and further, the Manonmaniam Sundaranar University Government Arts College and the Government High School are also situated within 400 meters away from the said 'M Sand Unit'

5. In this connection, the petitioner has sent a representation to the 1st respondent dated 12.09.2023 and the same has been forwarded to the 2nd respondent. Pursuant to which the 2nd respondent has passed a proceedings dated 22.04.2024 requesting the 3rd respondent to furnish the particulars of permission granted to the said 'M Sand Unit' and its details for considering the application submitted by the petitioner.

6. The petitioner's contention is that the knowing well that the said license itself has been obtained by fraud in connivance with the office bearers of the 2nd respondent, till date the 2nd respondent has not completed the work and therefore, the 1st respondent has not considered the petitioner's application seeking layout approval. Aggrieved by the same, the petitioner has come before this Court.



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7. The learned Additional Government Pleader appearing for the respondents would submit that the application submitted by the petitioner dated 01.02.2023 will be considered and final orders will be passed within the time stipulated by this Court.

8. In view of the same, without expressing any opinion on the merits of the matter, 2nd respondent is directed to consider the application of the petitioner dated 01.02.2023 and pass final orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of with the above observations. No costs.

12.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

To

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