
(2014) 09 MAD CK 0213
In the Madras High Court
Case No : W.P. (MD) No. 15588 of 2014

Chitra	Vs	APPELLANT
The District Collector		RESPONDENT

Date of Decision : 23-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0213

Hon'ble Judges : T.S. Sivagnanam, J

Bench : Single Bench

Judgement

T.S. Sivagnanam, J.—The petitioner in this Writ Petition seeks issuance of a Writ of Mandamus directing the second respondent to issue approval to Plot No. 208 situated in S. No. 189/1, New S. No. 191/1 in Uppiliapuram Village, Thuraiyur Taluk, Trichy District.

2. The learned counsel appearing for the petitioner, after referring to the factual situation, invited the attention of this Court to the proceedings dated 13.09.2001 and submitted that the approval in respect of the lands covered in Survey No. 189/1, 190/1 and 190/2 measuring a total extent of 8.32 acres was granted by Resolution No. 100, dated 12.09.2001. Therefore, it is submitted that the plot purchased by the petitioner is also covered in the same survey numbers, and thereby, covered under the Resolution No. 100 and hence, the respondent could not have rejected the petitioner's application.

3. The learned counsel for the respondent, on instructions, submitted that the layout approved pursuant to the Resolution No. 100, dated 12.09.2001, was only in respect of 193 plots and the petitioner himself has admitted that his plot number is 208. Therefore, it is submitted that the petitioner's plot is not covered in the proceedings dated 13.09.2001. The learned counsel for the respondent further submitted that disciplinary action has been taken against the erstwhile Executive Officer of the Town Panchayat for having granted approval to the layouts in violation of the provisions of the Tamil Nadu District Municipalities Act, Town Planning Act and various Government Orders issued in this regard. The learned

counsel further submitted that if the petitioner submits a fresh representation along with application to consider his request, then the respondent panchayat will independently examine the same and pass an order.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. In view of the submission made by the learned counsel on both sides, petitioner is permitted to submit a fresh representation seeking for plot approval/ site approval. If such representation is given, the second respondent Town Panchayat shall consider the same on merits and in accordance with law within a period of four weeks thereafter.

6. The Writ Petition is disposed of with the above direction. No costs.