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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Seventeenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.17118 of 2023

AMUTHA.R

... PETITIONER

Vs

THE ASSISTANT DIRECTOR
DINDIGUL DISTRICT TOWN AND COUNTRY
PLANNING OFFICE
D.NO.14, VIVEKANANDAR NAGAR,
DINDIGUL 624 004

... RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus directing the respondent to cancel the approval application DTCP/L/0591127/2017 dated 01.11.2018 with approval number ம.வ.(R)/தி.உ.தி.கு எண். 135/2018 dated 03.12.2018 on the basis of the petitioner representation dated 26.06.2023 within a time stipulated by this Honble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.V.KARUNA, Advocate for the petitioner and of Mr.M.SARANGAN, Additional Government Pleader on behalf of the Respondent, the Court made the following order:-

The petitioner is a legal heir of one Pappammal and she has filed this writ

petition for a Mandamus, directing the respondent to cancel the DTCP approval
<https://www.mhc.tn.gov.in/judis>

dated 03.12.2018, by considering her representation dated 26.06.2023.



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2.The case of the petitioner is that the land in TS.No.1927/1, Block No.39, Ward No.6, Adiyanoothu Village, Dindigul East Taluk, Dindigul belongs to one Pappammal and Petchiammal. They have jointly executed a power deed to one Raja on 16.06.2008 with regard to the above properties. Subsequently, the power deed executed in favour of the said Raja has been cancelled on 07.08.2009 by Pappammal alone. It appears that based on the power deed dated 16.06.2008, the said Raja has executed a sale deed on 23.09.2009 in favour of one Shanthi and Sumathi, after the cancellation of the power deed by Pappammal on 07.08.2009. Now, the grievance of the petitioner, being the legal heir of the said Pappammal is that based on the sale deed created by Raja on 23.09.2009, DTCP approval has been obtained in favour of the said Shanthi and Sumathi on 03.12.2018 and therefore, it needs to be cancelled.

3.The petitioner has filed this writ petition as against the Assistant Director, Dindigul District Town and Country Planning office, Dindigul alone without impleading the said Raja, Shanthi and Sumathi and also the subsequent purchasers. Hence, the petitioner is directed to file a necessary impleading petition.

4.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondent is directed to get instructions, in the meantime.



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Post the matter after two weeks.

sd/-
17/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

THE ASSISTANT DIRECTOR
DINDIGUL DISTRICT TOWN AND COUNTRY
PLANNING OFFICE
D.NO.14, VIVEKANANDAR NAGAR,
DINDIGUL 624 004

ORDER
IN

WP(MD) No.17118 of 2023
Date :17/07/2023

SS/DD/24/07/2023/3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023