

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.24860 of 2017
and WMP.No.26252 of 2017

S.Mohamed Ali Jinnah

... Petitioner

Vs.

1.The Chief Secretary,
State of Tamil Nadu,
St.George, Chennai.

2.The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Secretariat, St.George Fort,
Chennai.

3.The Secretary,
Housing & Urban Development Department,
Chennai.

4.The Commissioner,
Kodaikkanal Municipality,
Kodaikkanal,
Dindigul District.

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5.The Member Secretary/Executive Authority,
Kodaikkanal Local Planning Authority,
Kodaikkanal,
Dindigul District.

6.The Deputy Director for Regional Town
& Country Planning,
Madurai Region, Madurai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to expedite the process of amendment of the Master Plan initiated by the Government through G.O.(Ms)No.147, Housing and Urban Development (UD-4-2)Department dated 21.09.2016 by following the statutory provision and implement the modified master plan for the Kodaikkanal local planning area within a period stipulated by this Court and save the plight of the residents and industries in a speedy and time bound manner and till then, restrain the respondents 4 & 5 from taking any coercive steps under the Tamil Nadu Town & Country Planning Act, 1971 and Tamil Nadu District Municipalities Act, 1920 against the buildings/constructions pending finalization of the modification of the master plan.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.T.M.Pappiah,
Special Govt. Pleader for R1 to R3, R5 and R6

Mr.P.Srinivas for R4

ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)
By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that taking into consideration the topography of Kodaikkanal Town and other relevant factors, the Government of Tamil Nadu took a policy decision to prepare a modified Master Plan and accordingly, in exercise of powers conferred under Section 24(2) of the Tamil Nadu Town and Country Planning Act, 1971, the Government of Tamil Nadu gave consent to the Kodaikkanal Local Town Planning Authority for publication of notice under Section 26 of the said Act, for inviting objection and suggestion for the preparation of Mater Plan, vide G.O.(Ms)No.147, Housing and Urban (UD-4-2) Department dated 21.09.2016. The fifth respondent has also published a notification under Rule 7 of the Master Plan (Preparation/Publication/ Sanction) Rules on 22.09.2016 and also invited objections. However, no follow up action has been taken by the the respondents 4 and 5 and therefore, the petitioner has approached this Court with the present writ petition.

3. The Writ Petition was entertained on 02.11.2017 and notice was ordered on that day.

4. The Deputy Director of Town and Country Planning, Madurai Region/sixth respondent herein has filed a counter affidavit, wherein it is stated that the fourth respondent has sent his remarks to the fifth respondent on the general public suggestion and objection, along with a resolution approving the amended plan, vide proceedings in Na.Ka.No.2190/1998/F1 dated 03.01.2017 and on receipt of the same, it was forwarded to the Commissioner, Town and Country Planning, vide proceedings in Na.Ka.No.817/2009 MM3 dated 27.01.2017. It is further averred that on receipt of the objection, the said official was instructed, vide proceedings in Na.Ka.No.10159/1990/Muthi2 dated 15.09.2017 to incorporate the approval in the Master Plan and to submit the incorporated Master Plan within October, 2017. Thereafter, further steps are being taken and assured that the incorporated Master Plan would be submitted to the Commissioner, Town and Country Planning and it would be finalized after consultation with the Government and the amended Master Plan would be published very soon.

5. In the light of the stand taken by the sixth respondent in the counter affidavit, the Deputy Director of Town and Country Planning, Madurai as well as the second respondent is directed to take appropriate effective steps to publish the amended Master Plan pertaining to Kodaikkanal Local Planning area within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.N., J.] [P.R.M., J.]
06.04.2018

Index : yes / No

Internet : yes / No

jvm

1. The Chief Secretary,
State of Tamil Nadu,
St. George, Chennai.

2. The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, St. George Fort, Chennai.

M.SATHYANARAYANAN, J.,
and
P.RAJAMANICKAM, J.

Jvm

- 3.The Secretary,
Housing & Urban Development Department,
Chennai.
- 4.The Commissioner,
Kodaikkanal Municipality,
Kodaikkanal, Dindigul District.
- 5.The Member Secretary/Executive Authority,
Kodaikkanal Local Planning Authority,
Kodaikkanal, Dindigul District.
- 6.The Deputy Director of Town & Country Planning
Madurai.
- 7.The Deputy Director for Regional Town & Country Planning,
Madurai Region, Madurai.

Note: Registry is directed to mark a copy of this order
to the Director of Town and Country Planning, Chennai.

सत्यमेव जयते

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