

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.06.2018**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.32318 of 2006**

K.S.Ramraj

... Petitioner

Vs.

- 1.The Government of Tamilnadu  
rep. by its Secretary,  
Housing and Urban Development  
Department, Chennai – 9.
  - 2.The Government of Tamilnadu  
rep. by its Secretary,  
Rural Development and Local  
Administration Department,  
Fort St.George, Chennai – 9.
  - 3.The Director,  
Town and Country Planning  
807, Anna Salai, Chennai – 2.
  - 4.The Deputy Director,  
Town and Country Planning  
5, Perumal Kulam North Street,  
Thallakulam, Madurai – 2.
  - 5.The Commissioner,  
Bodinayakkanur Municipality,  
Bodinayakkanur Madurai District.
- ... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to  
issue a Writ of Mandamus directing the respondents to forthwith

implement the Kusavalapalayam detailed development scheme and Plan found in Tamilnadu Government Gazettee Part VI Section 1 dated 21.12.1994 by forming the 60 feet A1A1 road and 40 feet B4B4 road in consequence of the order of the Hon'ble Bench dated 18.08.1997 made in Writ appeal Nos.740, 741 and 742 of 1993.

For Petitioner : Mr.M.Liagat Ali  
For Respondents : Mr.K.Ravikumar for R1 to R4  
Mr.S.V.Duraisolaimalai for R5

### **ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to forthwith implement the Kusavalapalayam Detailed Development Scheme and Plan found in the Tamilnadu Government Gazette Part VI Section 1 dated 21.12.1994 by forming the 60 feet A1A1 road and 40 feet B4B4 road in consequence of the order of the Hon'ble Division Bench dated 18.08.1997 made in Writ appeal Nos.740, 741 and 742 of 1993.

2.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if a direction is issued to the respondents to comply with the judgment of the Hon'ble Division Bench of this Court, particularly paragraph no.5, dated 18.08.1997 made in Writ appeal Nos.740, 741 and 742 of 1993, within a reasonable time.

3. Though the petitioner has prayed for a larger relief, this Court, considering the submission of the learned counsel for the petitioner and without going into the merits of the case, directs the respondents to comply with the judgment of the Hon'ble Division Bench of this Court, particularly paragraph no.5, dated 18.08.1997 made in Writ appeal Nos.740, 741 and 742 of 1993, as early as possible.

4. For useful reference, the relevant portion of the judgment of the Hon'ble Division Bench of this Court dated 18.08.1997 made in Writ appeal Nos.740, 741 and 742 of 1993 is extracted hereunder:

***"5. We only wish to add that it is not enough if the municipality simply prosecutes the offending owners, but it is the duty of the Municipality to see that the offending constructions are removed and the 60 feet road is formed in accordance with the scheme as approved by the Director of Town Planning. Even for the formation of the 60 feet road, the learned counsel for the Municipality says that it may be necessary for the Municipality to acquire certain lands. Whatever be the position, it is the duty of the Municipality to form the road as early***

***as possible, by resorting to acquisition, if necessary. Beyond the above observations, no further relief can be given in the writ appeals. The writ appeals are disposed of with the above directions."***

5.The writ petition is accordingly disposed of. No costs.

07.06.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No Internet: Yes/ No

To

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**M.DHANDAPANI,J.**  
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