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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.8608 of 2019

and

W.M.P(MD) .Nos.6719 and 6720 of 2019

N.Dilip Kumar

... Petitioner

Vs

1.The Director,

Directorate of Town & Country Planning Office,
Opposite to LIC, Chengalvarayan Building,
4th Floor, #807, Anna Salai,
Chennai-600 002.

2.The Madurai Corporation,

Rep., by its Commissioner,
Madurai.

3.The Madurai Local Planning Authority,

rep., by its Member Secretary,
Anna Maligai 3rd Floor,
Corporation Buildings,
Madurai-625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the respondents in the name of "Uthangudi North Detailed Development Plan" and all appending proceedings including Map Number 3 and the consequential order of the third respondent dated 25.05.2018 in Na.Ka.No.1943/2018/MT.2 and quash the same in respect of petitioner's Plot Nos.4, 5, 12 and 13 in "Adhi Eswaran Nagar" located in survey numbers 37/13, 45/5A1B and 45/7, Uthangudi Village, Madurai North Taluk, Madurai District and consequently direct the respondents to regularize the said plots of the petitioner and grant necessary planning permission including site plan and building plan and consequential reliefs to the petitioner.

For Petitioner

: Mr.J.Ashok

For R1 & R3

: Mr.M.Karuppasamy
Government Advocate

: Mr.R.Murali

**ORDER**

Heard the learned counsel on either side.

2. The petitioner's request for regularization of his plot has been declined on the ground that Scheme road runs across the plot in question.

3. This Court called upon the respondent's counsel to indicate the year in which the Scheme was formulated. It is stated the Scheme was formulated and DD development plan was published way back on 25.03.1997. Therefore, the authorities were obliged to have initiated Land Acquisition proceedings within a period of three years, thereafter. Since no such proceedings were initiated, the land reserved for the purpose in question is deemed to have been released as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. Therefore, the reason set out in the impugned communication is clearly unsustainable in law.

4. In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to regularize the plot in question and grant necessary planning permission in accordance with law and planning norms.

5. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director,
Directorate of Town & Country Planning Office,
Opposite to LIC, Chengalvarayan Building,
4th Floor, #807, Anna Salai,
Chennai-600 002.

2. The Member Secretary,
Madurai Local Planning Authority,
Anna Maligai 3rd Floor,
Grouped Buildings,
Madurai-625 002.



+3 CC to M/s.J.ASHOK, Advocate (SR-63841[F] dated 29/04/2019)
+1 CC to M/s.R.MURALI, Advocate (SR-64237[F] dated 30/04/2019)
+1 CC to M/s.SPL GP (SR-64943[F] dated 02/05/2019)

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