



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2019
CORAM:

**THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
AND**

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.7018 of 2019
and
W.M.P. (MD)No.5600 of 2019

S.Krishnaveni

... Petitioner

Vs.

1.The Director of Town and Country Planning,
O/o. The Director of Town and Country Planning,
Anna Salai,
Chennai - 2.

2.The Member Secretary in-charge,
Madurai Local Planning Authority,
Madurai Corporation Building,
III Floor, Anna Maaligai,
Madurai - 2.

3.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

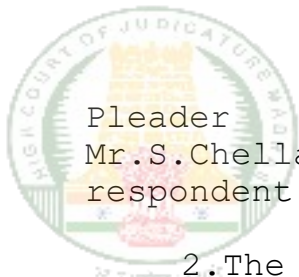
Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.3732/2018/Mathi.2 dated 31.08.2018 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondents to regularize the petitioner's residential plot to an extent of 4 cents 374 sq. ft. in Plot No.32, Thiruppalai Village, Madurai North Taluk, Madurai District within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1 and 2	: Mr.A.K.Baskarapandian, Spl. GP
For 3 rd Respondent	: Mr.S.Chellapandian

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government
<https://hcservices.ecourts.gov.in/hcservices/>



Pleader appearing for the respondents 1 and 2 and Mr.S.Chellapandian, learned counsel appearing for the third respondent.

2.The petitioner seeks for issuance of Writ of Certiorarified Mandamus to set aside the order passed by the second respondent dated 31.08.2018 and to direct the respondents to regularize the petitioner's residential plot measuring an extent of 4 cents 374 sq. ft. in plot No.32, Thiruppalai Village, Madurai North Taluk, Madurai District.

3.The request for regularisation was rejected by the impugned order on the ground that the land is required for Thiruppalai Extension Scheme for forming scheme road delineated as 'B2B2' 18.00 metre.

4.According to the learned counsel appearing for the petitioner, the proposal for the scheme road has since lapsed, because the land had not been acquired within the period of three years. However, there is no document to substantiate the same.

5.In any event, if the scheme is lapsed for the reason that no acquisition had taken place within the time prescribed, it is well open to the second respondent to re-consider the matter. For the aforesaid reasons, the impugned order dated 31.08.2018 is set aside and the matter is remanded to the second respondent for fresh consideration. The second respondent shall examine the request of the petitioner and verify as to whether the scheme road proposal is in vogue or not and take an informed decision in accordance with law by passing a speaking order and communicate the same to the petitioner. The aforesaid direction is to be complied with within a period of two weeks from the date of receipt of copy of this order.

5.The writ petition is allowed to the extent indicated above. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of Town and Country Planning,
O/o. The Director of Town and Country Planning,
Anna Salai,
Chennai - 2.



2. The Member Secretary in-charge,
Madurai Local Planning Authority,
Madurai Corporation Building,
III Floor, Anna Maaligai,
Madurai - 2.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-85581[F] dated
06/09/2019)

+1 CC to Mr.S.CHELLAPANDIAN, Advocate (SR-85534[F] dated
06/09/2019)

Writ Petition (MD).No.7018 of 2019
05.09.2019

mrn/sj

MK (24.09.2019) 3P 5C