



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13648 of 2021

A.V.Senthil Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort.St.George,
Chennai.

2.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
E & C Market Road,
Koyambedu,
Chennai - 600 107.

3.The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Office Campus,
3rd Floor, Anna Maligai,
Madurai - 625 002.

... Respondents

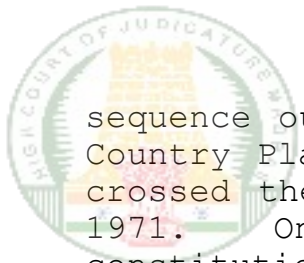
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to impugned proceedings of the third respondent in Na.Ka.No.5231/2019/MD12 dated 04.11.2020 and quash the same as illegal and consequently direct the respondent to grant planning permission for the development/construction in the petitioner's land in No.151/1C1B, Uthangudi Village, Madurai North Taluk, Madurai in light of the decision of this Court in W.P(MD). No.8094 of 2021 dated 25.06.2021.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner challenges the proceedings dated 04.11.2020 of the third respondent by which the request for planning permission was refused on the ground that there is a proposed scheme road in terms of the Uthangudi South Detailed Development Plan.

2. The petitioner relies upon two earlier orders of this Court in relation to the same Uthangudi Detailed Development Plan. In specific, the order dated 25.06.2021 in W.P(MD).No.8094 of 2021 is relied upon. In the said order, this Court referred to the



sequence outlined in Sections 19 to 31 of the Tamil Nadu Town and Country Planning Act, 1971 and concluded that the proposal had not crossed the stage contemplated under Section 19 (1) of the Act of 1971. On such basis, the Court concluded that a citizens' constitutional rights under Article 300-A cannot be infringed. Therefore, the order impugned therein was quashed. A subsequent order dated 19.07.2021 in W.P(MD).No.12049 of 2021 is relied upon. It is contended that such order pertains to an adjoining property.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of all three respondents. He concurs that the present dispute would be squarely covered by the two orders adverted to above.

4. Accordingly, the impugned proceedings dated 04.11.2020 of the third respondent are quashed and the third respondent is directed to consider the petitioner's application for planning permission in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.

5. W.P.(MD).No.13648 of 2021 is disposed on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,
the State of Tamil Nadu,
Housing and Urban Development Department,
Fort.St.George,
Chennai.



2.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
E & C Market Road,
Koyambedu,
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3.The Member Secretary,
Madurai Town and Country Planning Authority,
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+1 CC to M/s.SPL GP (SR-28829[F] dated 13/09/2021)

W.P (MD) No.13648 of 2021
08.09.2021

DJ(CO)
KB(16.09.2021) 3P 5C