



W.P.No.23916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23916 of 2023

Venu Bhuvaneshwaran

...Petitioner

Vs.

1.The Director of Town and Country Planning,
Koyambedu,
Chennai - 600 107.

2.The District Collector,
Cuddalore District
Cuddalore.

3.The Assistant Director,
Town and Country Planning
No.34, Tamilmuthu Nagar,
Gowndur,
Cuddalore.

4.The Commissioner,
Chidambaram Municipality,
Chidambaram-608 001
Cuddalore District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the resolution dated 31.05.2022 passed by the fourth respondent Municipality in declaring the Draft Scheme No.5 as lapsed in respect of the land in Survey Nos.34/3A1 and 34/3A, situate at Singara Thottam, Ward No.2, Block-1, Chidambaram Town and Taluk, Cuddalore District, based on the communication of the fourth respondent dated 10.02.2023, made in Na.Ka.No.956/2022/F1, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to implement the resolution of Chidambaram Municipality dated 31.05.2022 in declaring the Draft Scheme No.5 as lapsed in respect of land in Survey Nos.34/3A1 and 34/3A, situated at Singara Thottam, Ward



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No.2, Block-1, Chidambaram Town and Taluk, Cuddalore District, based on the communication dated 10.02.2023 made in Na.Ka.No.956/2022/F1, within a stipulated time.

2. It is the case of the petitioner that he purchased 48 cents of land in Town Survey No.34/3, Ward No.2, Block-1 Singarathottam, Chidambaram Town and Taluk, Cuddalore District, on 29.06.2010. Thereafter, the petitioner executed a Settlement Deed in favour of his wife in respect of portion of the above said land to an extent of 5.5 cents on 11.09.2014. Accordingly, the petitioner and his wife are the owners of the above mentioned property.

3. In the year 2011, a Draft Scheme was prepared by the fourth respondent and as per the Draft Scheme, there was a proposal to form a scheme road, G3 G3 and G9G9 on the southern side and eastern side of petitioner's property, but the Draft Scheme is not yet approved in accordance with law. Since, the time limit for approval for Draft Scheme is already over, the fourth respondent Municipality in its council meeting



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dated 31.05.2022 passed a resolution No.58 to the effect that the scheme is lapsed. The said resolution of the fourth respondent Municipality was sent to the first respondent by the fourth respondent on 16.06.2022 in its proceedings Na.Ka.No.956/2022/F1, requesting the first respondent to pass necessary orders regarding the lapse of Draft Scheme.

4. The learned counsel appearing for the petitioner submitted that eventhough, the fourth respondent Municipality passed a resolution on 31.05.2022 and the same was sent to the first respondent for its approval on 16.06.2022, no orders have been passed by the first respondent.

5. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 4.

6. It is seen from the documents filed in the typed set of papers that the fourth respondent Municipality passed a resolution as early as 31.05.2022 stating that Draft Scheme No.5 had already lapsed.



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The said resolution has also been forwarded to the first respondent by the fourth respondent by his communication dated 16.06.2022. Therefore, this Court is inclined to issue a direction to the first respondent to consider the resolution passed by the fourth respondent Municipality and pass necessary orders in accordance with law as regards the legal status of the Draft Scheme No.5, within a period of six weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

14.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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S.SOUNTHAR, J.
dna

To

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