



W.P.(MD)No.15724 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15724 of 2021
and
W.M.P.(MD).No.12667 of 2021

A.Vignesh

... Petitioner

Vs.

1.The Director,
The Directorate of Town and Country Planning,
807, Anna Salai, Chennai – 600 002.

2.The Dindigul Local Planning Authority,
Represented by its Additional Director,
Presently functioning at
H96, Vivekananda Nagar,
Opposite Rotary Club Hall,
Trichy Road, Dindigul.

3.The City Municipal Corporation,
Dindigul,
Represented by its Commissioner.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings in Na.Ka.No.4753/2018/DLPA dated 20.02.2019 on the file of the second respondent only insofar as it relates to condition No.3 and 4 of the proceedings rejection approval for plot Nos.5 to 7, 11, 14 to 31 of the layout



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plan submitted for approval and consequently for a direction to the respondents to pass orders forthwith releasing the petitioner's property in old T.S. No.1944/8A in patta No.2800 of Dindigul Municipal Corporation, Ward-6, Block 40, New T.S.No.246 measuring 1 acre and 14 cents comprised in the above mentioned survey number from the reservation of scheme road AA-70'0" and C2C2 180 '0", and grant plan approval for the plot Nos.5 to 7, 11, 14 to 31.

For Petitioner : Mr.H.Lakshmi Shankar

For R-1 and R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

For R-3 : Mr.M.Thirunavukkarasu

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent in Na.Ka.No.4753/2018/DLPA dated 20.02.2019 insofar as Condition No.3 and 4 of the proceedings wherein the approval was rejected for Plot No.5 to 7, 11, 14 to 31 and the layout plan in old T.S.No. 1944/8A, new T.S.No.246 for an extent of 1 acre and 14 cents, in view of the earlier notification reserving the property for a scheme road under the Dindigul Local Planning Area.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent.



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3. The reservation of the property for the scheme road under the Dindigul Local Planning Area, notified by the Government of Tamil Nadu by notification dated 24.07.2001, was held to have been lapsed by an order passed in W.P. (MD).No.16296 of 2021, dated 15.12.2003.

4. The only reason as to why the approval was not granted for the subject property was that it was falling under the notification issued by the Government of Tamil Nadu. Since this Court has declared that the very scheme has lapsed and this Court had further directed the lands to be released from the acquisition, the reason assigned for not granting the approval to the petitioner will no longer survive.

5. In the light of the above discussion, this Writ Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

WEB COPY

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WEB COPY



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N.ANAND VENKATESH, J.

Nsr

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