



W.P.(MD).No.11484 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.11484 of 2018
and
W.M.P.(MD).No.10472 of 2018

R.Ramachandran

.. Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Commissioner,
Dindigul Corporation,
Dindigul.
- 3.The Local Planning Authority,
Door No.5, Thiruvalluvar Nagar,
7th Cross Street, Spencer Compound,
Dindigul-624 002.
- 4.The Secretary,
Housing and Urban Development Department,
Chennai-9.



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5.Shanta Suresh

.. Respondents

(R-4 and R-5 are impleaded vide Court order dated 20.06.2018 in W.M.P. (MD).No.11746 of 2018 in W.P.(MD).No.11484 of 2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the order dated 18.05.2018 in Na.Ka.No.5279/2016/F1 on the file of the Commissioner, Dindigul Corporation, the 2nd respondent herein and quash the same by treating the 50 feet scheme Road Vivekananda Nagar A1, A1 Scheme II in East YMR Patty as lapsed in the light of Section 38 of Tamil Nadu Town and County Planning Act .

For Petitioner : Mr.C.Meenakshi Rama Prabu
For R-1 and R-3 : Mr.S.Shanmugavel
Additional Government Pleader
For R-4 : Mr.V.R.Shanmuganathan
For R-2 : No appearance

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The notice issued under Section 56, 57 and 85 of the Tamil Nadu Town and Country Planning Act, 1971, is under challenge in the present Writ Petition.



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2. The petitioner states that he has purchased the plot in Door No.17/4, New No.47, admeasuring 1010 sq.ft out of 2343 sq.ft approximately, in T.S.No.1799/2A1, YMR Patti East, 6th Ward, Aarthi Theatre Road, Dindigul Town, by way of a sale deed dated 27.03.2014. The petitioner has constructed a house measuring about 877 sq.ft.

3. Admittedly, the construction was made without obtaining building plan approval from the planning authorities. The authorities during inspection found that the building was constructed in a place, where a scheme road was proposed to be formed. In this regard, this Court has also passed an order on 21.02.2018 in W.P.(MD).No.11167 of 2016 to form scheme road for the benefit of the people of that locality. Since illegal constructions are made in the proposed scheme road, the second respondent issued notice to the writ petitioner on three occasions on 28.04.2016, 20.05.2016 and on 13.07.2016. Since the petitioner has not demolished the illegal constructions, final notice was issued under Section 56, 57 and 85 of the Tamil Nadu Town and Country Planning Act.



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4. Illegal constructions in the scheme road, if allowed to continue, would cause greater prejudice to the interest of the public at large. The scheme road has been proposed for the benefit of the people of that locality and such scheme, if blocked, the people in that locality will be affected and more so, this Court has earlier passed an order in W.P.(MD).No.11167 of 2016 to complete the scheme road for the usage of public at large. Thus, the petitioner is unable to establish any acceptable ground for the purpose of interfering with the notice issued under the provisions of the Town and Country Planning Act. Thus, we are not inclined to consider the relief sought for in the present Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
04.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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