



W.P(MD)No.2262 of 2011

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.2262 of 2011

The Kanyakumari District
Real Estate Owners Sangam,
No.574, Rajapathai,
Nesamani Nagar,
Nagercoil,
Represented by its General Secretary,
R.Sam Moham Raj

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Law Department,
St. George Fort,
Chennai.

2.The District Collector,
Nagercoil,
Kanyakumari District.

3.The District Registrar,
O/o.District Registrar,
Department of Registration,
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring sub-clause (3) and proviso to sub-clause (2) of Section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 as amended by the Tamil Nadu Town and Country Planning (Amendment) Act, 2010 (TN Act 46/2010) as violative of Article 14 of the Constitution of India and unconstitutional and null and void as suffering from excessive delegation of legislative power.

For Petitioner	: Ms.Jessima Yasmin for M/s.Ajmal Associates
For Respondents	: Mr.R.Baskaran Additional Advocate General Assisted by Mr.S.P.Maharajan Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the Writ Petition for issuance of a Writ of Declaration, declaring sub-clause (3) and proviso to sub-clause (2) of Section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 as amended by the Tamil Nadu Town and Country Planning (Amendment) Act, 2010 (TN Act 46/2010) as violative of Article 14 of the Constitution of India and unconstitutional and null and void as suffering from excessive delegation of legislative power.

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2.When the matter was taken up for hearing today, learned counsel appearing for the petitioner fairly submitted that Rules have been framed in the name of 'the Tamil Nadu Change of Land Use (From Agriculture to Non-agriculture purposes in Non-planning Areas) Rules, 2017 and necessary guidelines have been issued by the Government.

3.Recording the submission made by the learned counsel appearing for the petitioner, no further order is required in this Writ Petition. Accordingly, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
21.02.2024

NCC : Yes / No
Index : Yes / No
ps



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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