



W.P(MD)No.6708 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 19.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.6708 of 2024

A.Rajeshkumar

... Petitioner

Vs.

1.The Director,  
Town and Country Planning CMDA Building  
E and C Market Road,  
Koyambedu, Chennai – 92.

2.The Assistant Director Cum Member Secretary,  
Local Planning Authority,  
Theni Zone, Town and Country Planning,  
D.No.446/A, 17 Ward, Nehruju Street,  
Alinagaram, Theni.

3.The Commissioner,  
Bodinayakanur Municipality,  
Theni.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to process the online application No.GKPLSHR4 dated 07.12.2023 for the grant of approval of layout for the land in T.S.No.2/5 Ward II Block I Bodinayakanur an extent of 29 cents (0.11735 hectare) within a time frame fixed by this Court.



**W.P(MD)No.6708 of 2024**

For Petitioner : Mr.A.V.Arum

For Respondents : Mr.K.S.Selvaganeshan,  
Addl. Government Pleader.

### **ORDER**

Heard both sides.

2.The petitioner wants to develop the petition mentioned land by forming a layout. He submitted an online application on 07.12.2023. Since it was not considered, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Additional Government Pleader produced a copy of the letter dated 18.03.2024 rejecting the petitioner's application. I went through the contents of the rejection letter. It states that since the matter is pending before the Hon'ble Division Bench, approval could not be granted.

4.It is seen that the petition mentioned land was earmarked as scheme road in the detailed development plan published in the year 2005. Since



**W.P.(MD)No.6708 of 2024**

consequential acquisition steps were not taken, the petitioner filed W.P.(MD)No.19351 of 2023 for releasing the land from the reservation. The writ petition was taken up along with other writ petitions. Vide common order dated 27.09.2023, the writ petitions were allowed. The learned Judge had applied the statutory mandate set out in Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. While so allowing the writ petitions cost of Rs.5,000/- was ordered in favour of each writ petitioner. Challenging the same, the authorities have filed writ appeal. Pendency of the writ appeal cannot come in the way of considering the petitioner's application. The reasons set out in the rejection order is patently unreasonable. Even though the petitioner has not formally challenged the same, since it was issued during the pendency of this writ petition, I am inclined to mould the relief. The writ petition was filed on 15.03.2024. It was taken up for admission today ie., 19.03.2024. The impugned rejection order was issued on 18.03.2024. I can notice that the rejection letter was issued only to render the writ petition as infructuous.

5.In this view of the matter, the rejection letter dated 18.03.2024 is set aside. The second respondent is directed to consider the petitioner's online application for grant of approval of layout for the petition mentioned land. The second respondent will pass an appropriate order on merits and in accordance



**W.P(MD)No.6708 of 2024**

with law within a period of ten weeks from the date of receipt of a copy of this order.

6.This writ petition is allowed on these terms. No costs.

**19.03.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

To:-

- 1.The Director,  
Town and Country Planning CMDA Building  
E and C Market Road,  
Koyambedu, Chennai – 92.
- 2.The Assistant Director Cum Member Secretary,  
Local Planning Authority,  
Theni Zone, Town and Country Planning,  
D.No.446/A, 17 Ward, Nehruju Street,  
Alinagaram, Theni.
- 3.The Commissioner,  
Bodinayakanur Municipality,  
Theni.



WEB COPY



**W.P(MD)No.6708 of 2024**



WEB COPY



**W.P(MD)No.6708 of 2024**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.6708 of 2024**

**19.03.2024**