



W.P.(MD).No.11794 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.11794 of 2024

1.Arjuna Raja

2.S.A.Muthelu Ammal

3.A.Indrani

4.M.Jamuna

... Petitioners

Vs.

1.The Director of Town and Country
Planning, Directorate of Town and
Country Planning,
No.807, Anna Salai,
Chennai.

2.The Assistant Director / Member
Secretary, District Town and
Country Planning Office,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of the lands of the petitioners 1 to 4 situated in T.S.No.4/1A, 2,3 and 6 (Old S.No. 460/1, 2 and 3), T.S.No.15/1A1, 2 to 4 (Old S.No. 478/1,2,3 and 4) T.S.No. 6 (Old S.No. 462), T.S.No. 5/1 and 2 (Old S.No. 461/1



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and 2) and T.S. No. 6 /2 and 1 (Old S.No. 462/1 and 2) at Block No. 8, Ward No.5, Athikulam Senkulam village, Srivilliputhur Taluk, Virudhunagar District, under the Srivilliputhur Railway station area detailed development plan to have lapsed in light of Section 38 of the Tamilnadu town and Country Planning Act 1971.

For Petitioner : M/s.H.Jasima Yasmin,
For M/s.Ajmal Associates

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

This writ petition is filed seeking to declare the reservation in respect of the lands of the petitioners 1 to 4 situated in T.S.No.4/1A, 2,3 and 6 (Old S.No. 460/1, 2 and 3), T.S.No.15/1A1, 2 to 4 (Old S.No. 478/ 1,2,3 and 4) T.S.No. 6 (Old S.No. 462), T.S.No. 5/1 and 2 (Old S.No. 461/1 and 2) and T.S. No. 6 /2 and 1 (Old S.No. 462/1 and 2) at Block No. 8, Ward No.5, Athikulam Senkulam village, Srivilliputhur Taluk, Virudhunagar District, under the Srivilliputhur Railway station area detailed development plan which is claimed to have been announced by the 1st respondent as early as in the year 2016 as having lapsed.



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2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.However, even after the lapse of eight years, the said scheme is not notified and hence, the petitioner required this Court to declare the reservation in respect of the said area as having lapsed.

4.When the matter was taken up for hearing, the learned Government Advocate, Mr.T.Amjad Khan, on written instructions from the 2nd respondent submitted that though there had been a proposal for development of such a scheme, the detailed development scheme has not been conceived at all, and the same was also not notified later. In view of the same, the learned Government Advocate submitted that the claim of the petitioner to declare the said lands to have lapsed in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, for the scheme will not arise.

5.The learned counsel for the petitioner submitted that if the case be so, the respondents should not have resisted, the petitioner's claim for approval of the lands comprised in the aforesaid properties, the said exercise is continuously and consistently being done by the respondents without



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approving the plan submitted by the petitioner for approval with respect to the said lands.

6.Hence, recording the submissions made by either parties, the respondents are directed to consider the plans, if any, submitted by the petitioner for approval within a period of two(2) weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. No costs.

11.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Director of Town and Country
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No.807, Anna Salai,
Chennai.

2.The Assistant Director Cum Member
Secretary, District Town and
Country Planning Office,
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