



W.P(MD)No.11696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11696 of 2024

and

W.M.P(MD)No.10440 of 2024

Alagu Jothi Selvam

... Petitioner

Vs.

The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant sanction / approval for the residential layout approved by the Joint Director / Member Secretary, District Town and Country Planning, Tirunelveli vide layout approval number in L.P / TLPA. No. SWP / 01/2024 dated 03.01.2024, in terms of sub clauses (2), (4) and (6) of Section 120 of the Tamil Nadu Urban Local Bodies Act, 1998 and permit the petitioner to pay the necessary charges towards the same forthwith.

For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates



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For Respondent : Mrs.M.Anitha
Standing Counsel

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the Tirunelveli Corporation.

2.The writ petitioner applied to the Director of Town and Country Planning for promoting the petition mentioned layout. It is seen that approval was granted by the competent authority under the Tamil Nadu Town and Country Planning Act on 03.01.2024. Thereafter, formal approval is required from the local body also. Application was submitted before the local body as early as on 07.02.2024.

3.The petitioner's grievance is that even though 60 days have elapsed therefrom, sanction is not forthcoming. In these circumstances, the present writ petition came to be filed.

4.When the matter was taken up for hearing, it is submitted by the learned Standing Counsel that council meeting is to be convened shortly.



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5.The learned Senior Counsel appearing for the petitioner draws my attention to Rule 156 of the Tamil Nadu Urban Local Bodies Rules, 2023. It is seen therefrom that an ordinary meeting has to be convened atleast once in a month. It is seen that more than four months have elapsed after the petitioner submitted her application for approval. In these circumstances, the course of action suggested under Rule 156(6) may have to be invoked. Rule 156 (6) reads as follows:

“156. Ordinary meeting.— (6) (a) (i) Where for any reason the ordinary meeting as required to be convened under this rule is not convened for two months consecutively; or

(ii)Where any business relating to execution of work for which financial allocation is already made or any other business of public importance, which in the opinion of the Commissioner cannot be delayed, is adjourned to next meeting without valid reason, the Commissioner shall immediately send a report to the Director.

(b)The Director on examining the report may issue directions to the Chairperson for convening the meeting and for passing of necessary resolutions for execution of works or to carry out the works which are of public importance. If the direction of the Director is not complied within the time specified in such direction, the Director may cause the work to be carried out through the



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Commissioner after sending a report to the Government in this regard, and the expenditure connected therewith shall be met from municipal funds.”

I direct the Commissioner, Tirunelveli City Municipal Corporation to grant approval in favour of the petitioner if within four weeks the council meeting is not convened. Of course, if the respondent notices that the petitioner's case will fall within Section 120 (5) of the Tamil Nadu Local Bodies Act, 1998, he can inform the petitioner appropriately. In that event, the petitioner has to be put on notice before passing any final order.

6.The learned Senior Counsel submits that a portion of the land in Survey No.15/2 was earmarked as “scheme road” in the Detailed Development Plan published in the year 2005. It is also stated that no acquisition proceedings will taken within a period of three years thereafter. Therefore, I will have to necessarily apply Section 38 of the Town and Country Planning Act, 1971 and hold that the reservation is deemed to have lapsed. Therefore, the fact that a portion of the land in the aforesaid survey number was included in the Detailed Development Plan will not be put against the petitioner herein.



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7.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 14.06.2024.



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G.R.SWAMINATHAN,J.

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