



W.P.(MD).No.17861 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17861 of 2024

and

W.M.P.(MD)Nos.15321 and 15323 of 2024

1.Dindigul Nadar Uravinmurai
S.M.B.Manickam Nadar,
Packiathammal National Public
School Managing Board (53/2021),
Represented by its Secretary,
R.Ramadas, No.35,
G.T.N.Salai, Dindigul-642 005.

2.Dindigul Nadar Uravinmurai
S.M.B.Manickam Nadar,
Packiathammal Matriculation
School Managing Board (95/1996),
Represented by its Secretary,
M.K.Paramasivam, No.35,
G.T.N.Salai, Dindigul-642 005.

... Petitioners

Vs.

1.The Director of Town and Country
Planning,
Office of Directorate of Town & Country
Planning,
2nd, 3rd & 4th Floor,
E & C Market Road, Koyambedu,
Chennai-600 107.

2.The Member Secretary,
Dindigul Local Planning Authority,
Dindigul.



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3.The Commissioner,
Dindigul Municipal Corporation,
15/9, Trichy Road,
Dindigul-624 001.

4.The Deputy Director and
District Town and Country Planning
Officer,
Dindigul District Town and Country
Planning Office,
No.14, Vivekananda Nagar,
Dindigul-624 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 4th respondent in File No.SWP/BPA/288478/2024/TCP dated 11.07.2024 and quash the same insofar as the rejection of planning approval citing the Balakrishnapuram Race Course Detailed Development Plan Part-II is concerned, and consequently to direct the respondents to grant approval to the petitioner's Online Building Plan Application in SWP/BPA/288478/2024 dated 08.07.2024.

For Petitioner	: Mr.S.A.Iniyavan Abdullah, For M/s.Ajmal Associates
For R-1, R-2 & R-4	: Mr.T.Amjad Khan, Government Advocate
For R-3	: Mr.J.Lawrence, Standing counsel



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ORDER

This writ petition is filed to call for the records pertaining to the impugned proceedings of the 4th respondent in File No.SWP/BPA/288478/2024/TCP dated 11.07.2024 and quash the same insofar as the rejection of planning approval citing the Balakrishnapuram Race Course Detailed Development Plan Part-II is concerned, and consequently to direct the respondents to grant approval to the petitioner's Online Building Plan Application in SWP/BPA/288478/2024 dated 08.07.2024.

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

3.The learned counsel for the petitioner Mr.S.A.Iniyavan Abdullah, categorically submitted that the said impugned order is bad for certain reasons, more particularly the affecting parameters in clause 2 of the impugned order which has mentioned that the applicant's site falls under the scheme road E4-E4 (40 FEET) in Balakrishnapuram Race Course Detailed Development Plan No.II. Later, he drew my attention to the order passed by this Court in W.P.(MD)No.4057 of 2023, by which this Court has



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passed an order dated 26.04.2023 wherein this Court has held that the aforesaid scheme has lapsed, since the land was not acquired even for a period of three years from the date of the plan under Section 38 of the Town and Country Planning Act, 1971.

4.For which the learned Government Advocate fairly conceded that the said scheme has already lapsed. However, as far as the other eleven reasons which have been cited as affecting parameters have to be rectified by the applicant and re-submitted. Only then the petitioner's application could be considered in accordance with law. Unless and until the same are rectified, the same would remain returned again and again.

5.In view of the same, quashing the affecting clause (2) in the impugned order dated 11.07.2024, this Court hereby direct the petitioner to re-submit the application by rectifying the other defects which are pointed out in the impugned order. On receipt of the same, the 4th respondent is directed to pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1. The Director of Town and Country Planning,
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2nd, 3rd & 4th Floor,
E & C Market Road, Koyambedu,
Chennai-600 107.
2. The Member Secretary,
Dindigul Local Planning Authority,
Dindigul.
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L.VICTORIA GOWRI, J.

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