



W.P.(MD)No.21583 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.21583 of 2023

and

W.M.P.(MD)No.17994 of 2023

P.Ramesh

... Petitioner

Vs.

1. The District Collector,
Dindigul Collector Office,
Dindigul.
2. The Commissioner,
Dindigul Corporation,
Corporation Office,
Dindigul.
3. The Member Secretary,
Local Planning Authority,
Dindigul District,
Dindigul.
4. The Town Planning Officer,
Dindigul Corporation,
Office of the Dindigul Corporation,
Dindigul District.
5. The Special Officer / Block Development Officer, (Village Panchayat),
Chettinaickanpatti Village Panchayat,
Dindigul Panchayat Union,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondents resulting in the 3rd Respondent's Impugned Order passed in Na.Ka.No.4227/2018 / TLPA, dated 04.02.2019 and consequential Impugned order of the 5th Respondent passed in Na.Ka.No.450/ 2019 / Vu2, dated 28.02.2019 and quash the same and direction, directing the Respondent No.3 to grant an approval to the Plot Nos. 30,31,32,33,34,35,36,37,38 and 39 situated at Chettinaickanpatti Panchayat Union, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.V.R.Venkatesan
For Respondents : Mr.T.Amjad Khan (R1 to R4)
Government Advocate
Mr.P.T.Thiraviyam (R5)

ORDER

Challenging the rejection order dated 04.02.2019, passed by the third respondent and the consequential order dated 28.02.2019 passed by the fifth respondent refusing to grant approval of layout citing the formation of scheme road covered under the Parapillaikulam Extension Development Scheme A3' A3' 60' 0" scheme Road.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The learned counsel appearing for the petitioner submitted that the aforesaid scheme was notified on 10.04.1995. However, no land was acquired for the said purpose by an efflux of over 20 years period of time. The said scheme is deemed to have lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. In view of the same, the impugned rejection orders are *per se* illegal and bad in the eye of law and hence, he pressed for setting the impugned orders and allowing this writ petition.

4. The learned Government Advocate appearing for the official respondents submitted that the respondent authorities have already granted approval for plot Nos. 21 to 28. The impugned rejection orders are pertaining only to plot Nos. 32 to 39. Though the claim of the petitioner that the aforesaid scheme should have been deemed to have lapsed, the said exercise should be done only in accordance with law, for which the petitioner has to make a fresh application to the third respondent requesting them to release the said land from the aforesaid scheme.

5. Considering the lapse of 20 years period of time from 10.04.1995, when the aforesaid scheme was also not notified and considering the fact that no land was thereafter acquired in that regard, the Directorate of Town and



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Country Planning, on consideration of the same would release the same and only thereafter, approval to the petitioner's layout could be made possible.

6. In view of the same, the impugned orders dated 04.02.2019 and 28.02.2019 are hereby quashed and the matter is remanded back to the third respondent. The petitioner is directed to make an application before the third respondent for release of the aforesaid land from the aforesaid scheme. On receipt of the same, the third respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of such application.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.21583 of 2023

Dated:
05.12.2024