



CMP(MD) No.16417 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Fifth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.16417 of 2023
in
WA(MD)SR.No.82016 of 2023

V.BOOVALINGAM

... PETITIONER/ APPELLANT

Vs

1 PONNAMANI
REPRESENTED BY ITS POWER OF ATTORNEY
R.JAISANKAR

2 THE DIRECTOR,
TOWN AND COUNTRY PLANNING
2ND, 3RD AND 4TH FLOOR,
C AND E, MARKET ROAD,
KOYAMBEDU,
CHENNAI 600 107.

3 THE ASSISTANT DIRECTOR/THE MEMBER SECRETARY,
THANJAVUR LOCAL PLANNING AUTHORITY,
NO.5, 2ND STREET, GANAPATHI NAGAR,
MEDICAL COLLEGE ROAD,
THANJAVUR 613 007.

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the delay of 530 days in filing Writ Appeal as against the order in WP (MD). No.7607 of 2022 dated 21.04.2022.



CMP(MD) No.16417 of 2023

PRAYER in WA(MD)SR.No.82016 of 2023:

To set aside the order passed in WP(MD)No.7607 of 2022 dated 21-04-2022.

Prayer in WP(MD). 7607/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue of Writ Mandamus or any other writ or order in the nature of writ directing the Respondents No.1 and 2 to release the Petitioners land with an extent of 55164 Sq.feet in Old Survey No.3297 and New Survey No.33 situated at Arulanandammal Nagar, Ward No. 29, Thanjavur Town, Thanjavur District earmarked for the Trichy - Nagapattinam Bye-Pass Road Detailed Development Plan No.2 (Map No.4) by treating the plan as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and consequently direct the Respondent No.2 to grant approval for converting the Petitioners land property as residential plots in the light of the first respondent office within a stipulated time that may be fixed by this Court.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.C.HEROLD SINGH, Advocate for the petitioner and of Mr.G.PERUMAL, Advocate on behalf of the 1st Respondent and Mr.T.AMJAD KHAN, Government Advocate for the respondents 2 & 3, the Court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This petition is filed to condone the delay of 530 days in filing the W.A.SR.(MD)No.82016 of 2023.

2. We have gone through the reasons stated in the affidavit filed in support of this petition. Though normally we are not inclined to condone such inordinate delay, considering the reasons stated in the affidavit, we are inclined to condone the delay on payment of cost. Therefore, the delay is condoned and this



CMP(MD) No.16417 of 2023

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petition is allowed on payment of Rs.5000/- (Rupees Five Thousand Only) to the credit of the Environmental Fund Operated by Member Secretary, Tamil Nadu State Legal Services Authority [Account No.6656485009; IFSC Code: IDIB000H040, High Court Branch, Chennai] within a period of one week from today.

3.Post the matter on 12.02.2024 for reporting compliance.

sd/-

05/02/2024

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/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

YUVA

TO

1 THE DIRECTOR,
TOWN AND COUNTRY PLANNING
2ND, 3RD AND 4TH FLOOR,
C AND E, MARKET ROAD,
KOYAMBEDU,
CHENNAI 600 107.

2 THE ASSISTANT DIRECTOR/THE MEMBER SECRETARY,
THANJAVUR LOCAL PLANNING AUTHORITY,
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COPY TO:

THE MEMBER SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY
MADRAS HIGH COURT,
CHENNAI

ORDER
IN
CMP(MD) No.16417 of 2023
in
WA(MD)SR.No.82016 of 2023
Date :05/02/2024

SS/GS/SAR- /08/02/2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023