



W.P.(MD).No.29657 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.29657 of 2024

V.Charles John Kennady

... Petitioner

Vs.

- 1.The Director,
Directorate of Town and
Country Planning, (DTCP),
E & C Market Road,
Srinivasa Nagar,
Virugambakkam,
Koyambedu,
Chennai - 100107.
- 2.The Senior Deputy Director,
Local Planning Authority (LPA),
Karaikudi,
Ramnad - Pudukkottai Region,
Sivagangai,
Sivagangai District.
- 3.The Assistant Director,
District Local Planning Authority (LPA),
Sivagangai Region,
Karaikudi,
Sivagangai District.
- 4.The Secretary,
A. 1321, Karaikudi Cooperative
House Building Society Limited,
No. 20, Shanmugaraja Road,
Karaikudi Town,
Sivagangai District.



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- 5.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.
- 6.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
No. 19, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600034.
- 7.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Kumaran Muthusamy Nagar,
C.B. Colony,
Sivagangai,
Sivagangai District.
- 8.The Assistant Commissioner,
Hindu Religious and
Charitable Endowment Department,
Kumaran Muthusamy Nagar,
C.B. Colony,
Sivagangai,
Sivagangai District.
- 9.The Executive Officer,
Arulmigu Suyamprakasa Eswarar
Thirukovil,
Iluppaikudi,
Iluppaikudi Village,
Karaikudi Taluk,
Sivagangai District.
- 10.The Tahsildar,
Taluk Office,
Karaikudi,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pass final orders on the appeal petition of the petitioner dated 24.05.2024 sent for the purpose of modification and revocation of the detailed development layout plan part - I, part II, sanctioned by the 2nd and 3rd respondents in favour of the 4th respondent in L.P/R (RP) No. 47/85 (this revises L.P/R (R.P.) No. 5/1983), dated 07.10.2015 in respect of the layout of house sites in T.S.No. 429 (part) and 1339 (Part) situate at Railway Station, Illuppaikudi Group village, Soodamanipuram, Karaikudi Town, Sivagangai District, for the planning site area of an extent of 125 acres even though the 4th respondent entitled and owned only 107 acres 59 ½ cents.

For Petitioner : Mr.K.Baalasundaram,
Senior Counsel,
For M/s.KBS Law Office

For R-1 to R-4 &
R-6 to R-8 & R-10 : Mr.T.Amjad Khan,
Government Advocate

For R-5 : Mr.E.P.Venkateswar,
Standing counsel

For R-9 : Mr.VR.Shanmuganathan

ORDER

This writ petition is filed seeking to direct the 1st respondent to pass final orders on the appeal petition of the petitioner dated 24.05.2024 sent for the purpose of modification and revocation of the detailed development



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layout plan part - I, part II, sanctioned by the 2nd and 3rd respondents in favour of the 4th respondent in L.P/R (RP) No. 47/85 (this revises L.P/R (R.P.) No. 5/1983), dated 07.10.2015 in respect of the layout of house sites in T.S.No. 429 (part) and 1339 (Part) situate at Railway Station, Illuppaikudi Group village, Soodamanipuram, Karaikudi Town, Sivagangai District, for the planning site area of an extent of 125 acres even though the 4th respondent entitled and owned only 107 acres 59 ½ cents.

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

3.When the matter was taken up for hearing, the learned Government Advocate Mr.T.Amjad Khan, on instructions, submitted that the appeal has been filed under Section 76 of the Town and Country Planning Act, 1971, but the same ought to have been filed under Section 79, Town and Country Planning Act, 1971. Hence, the petitioner may be directed to file a fresh appeal.

4.Recording the said submission, the petitioner is directed to prefer a fresh appeal under Section 79 of Town and Country Planning Act, 1971,



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forthwith. On receipt of the same, the 1st respondent should pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of the petitioner's appeal, after putting the 5th respondent and 9th respondent on notice and giving an opportunity of hearing to them.

5. With the above directions, this writ petition stands disposed of. No costs.

12.12.2024

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

To

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- 3.The Assistant Director,
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L.VICTORIA GOWRI, J.

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