



W.A.(MD) No.1319 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.1319 of 2024
and
C.M.P.(MD) No.10304 of 2024**

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

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

... Appellants

-vs-

Spurgeon Samuel, S/o.Justin Daniel

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.09.2023, passed in W.P.(MD) No.17493 of 2023, on the file of this Court.



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W.A.(MD) No.1319 of 2024

For Appellants : Mr.P.T.Thiraviyam
Government Advocate

For Respondent : Mr.Prem Ayyathurai

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

This Writ Appeal is filed against the order dated 27.09.2023, passed in W.P.(MD) No.17493 of 2023.

2. While allowing the Writ Petition filed by the land owners whose lands were notified as per the detailed development plan, but were not acquired within the statutory period prescribed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the Writ Court had imposed a cost of Rs.5,000/- payable to each of the writ petitioners.

3. Another Division Bench of this Court, by its judgment dated **02.04.2024**, made in **W.A.(MD)No.534 of 2024** [The Directorate of Town and Country Planning and another vs. Gokila], has modified the order of the Writ Court, setting aside the cost portion alone. This was done following an earlier judgment of the Division Bench of this Court dated **19.03.2024** made in **W.A. (MD)No.414 of 2024** [The Director of Town and Country Planning and others



W.A.(MD) No.1319 of 2024

WEB COPY vs. P.Shanthalakshmi].

4. In view of the above, this Writ Appeal is partly allowed. The direction for payment of cost alone is set aside and the other portions of the order of the Writ Court, dated 27.09.2023, made in W.P.(MD) No.17493 of 2023, are sustained. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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[R.S.M., J.] [L.V.G., J.]
08.08.2024



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W.A.(MD) No.1319 of 2024

R.SUBRAMANIAN, J.
and
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W.A.(MD) No.1319 of 2024
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