



W.A.(MD)No.873 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.873 of 2024
and
C.M.P.(MD)No.6455 of 2024**

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Assistant Director,
O/o. The District Town and Country Planning,
Door No.14, Vivekananda Nagar,
Dindigul District.

... Appellants

vs

B.Suresh

...Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 27.09.2023 passed in W.P(MD)No.9322 of 2023.

For Appellants : Mr.S.Shaji Bino
Special Government Pleader



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JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

This Writ Appeal is directed the against the order passed in W.P. (MD)No.9322 of 2023, dated 27.09.2023, whereby, the Writ Court by a common order, allowed the Writ Petitions by releasing the lands of respective petitioners, as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, and also imposed a cost of Rs.5,000/- in each of the Writ Petitions.

2.In respect of very same common order, in a Writ Appeal preferred in W.A.(MD)No.534 of 2024, this Bench by order, dated 02.04.2024, by following the order passed the co-ordinate Bench in W.A.(MD)No.414 of 2024, dated 19.03.2024, passed the following order:

“2.Though the order passed by the Writ Court has been questioned in this Writ Appeal, when the case is taken up for admission, the learned Additional Government Pleader appearing for the appellants would contend that only against awarding of cost by the learned Single Judge in the order impugned, this Writ



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Appeal has been filed. Therefore, to that extent, if the cost imposed by the learned Single Judge is interfered with, the appellants would be satisfied without canvassing the points on merits with regard to the order passed by the Writ Court.

3.He would further submit that in the similar line already the Writ Appeal in W.A.(MD)No.414 of 2024 was allowed by the co-ordinate Bench of this Court by order dated 19.03.2024, by passing the following orders:-

“2.Mr.T.Amjadkhan, learned Government Advocate appearing for the State has submitted that the appellants have filed this Writ Appeal only challenging the cost imposed on the appellant Department by the Writ Court and as far as the remaining portion of the order of the Writ Court is concerned, they are not aggrieved and therefore, he seeks to set aside the order of imposing cost on the appellant Department.

3.The learned Senior Counsel appearing for the respondent has no objection for setting aside the cost imposed by the Writ Court.

4.In view of the said submissions made by both the parties, this Writ Appeal stands allowed by setting aside the cost imposed on the appellant Department by the Writ Court. We make it clear that the rest of the portion of the order passed by the Writ Court remains unaltered. No costs.

Consequently, connected miscellaneous petition is closed.”

4.Recording the said submission made by the learned Additional Government Pleader for the appellants, following the said order passed by the co-ordinate Bench of this Court, dated 19.03.2024, this Writ Appeal is partly allowed, where the order passed by the Writ Court, which is impugned herein, is to be sustained except the awarding of the cost. To that extent, the order impugned is modified. Accordingly, this Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.



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3. In view of the same, following the order passed in the connected Writ Appeal, this Writ Appeal is partly allowed by modifying the order to the extent of setting aside the cost alone, while sustaining the rest of the impugned order. However, there shall be no order as costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J] & [G.A.M., J]
13.06.2024

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

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R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

cmr

Judgment made in
W.A(MD)No.873 of 2024

13.06.2024