



W.A.No.2291 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.2291 of 2021

AND

C.M.P.No.14538 of 2021

The Commissioner
Bodinayakkanur Municipality
Bodinayakkanur
Madurai District

.. Appellant

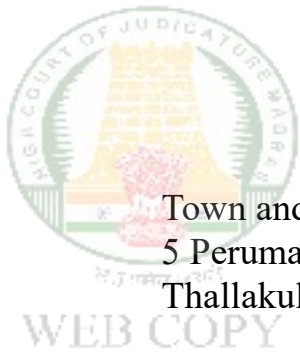
Vs.

1.K.S.Ramaraj

2.The Government of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Chennai 9

3.The Government of Tamil Nadu
Rep. by its Secretary
Rural Development and Local Administration Department
Fort St. George, Chennai 9

4.The Director
Town and Country Planning
807, Anna Salai, Chennai 2
5.The Deputy Director



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Town and Country Planning
5 Perumal Kulam North Street
Thallakulam, Madurai 2

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 07.06.2018 passed in W.P.No.321318 of 2006.

For Appellant	: Mr.P.Srinivas Standing Counsel
For R1	: Mr.M.Liagat Ali
For RR2 to 5	: Mr.S.Senthil Murugan Special Government Pleader

J U D G M E N T

(Delivered by S.M.SUBRAMANIAM, J.)

Present intra-Court appeal has been instituted to assail writ order dated 07.06.2018 in W.P.No.32318 of 2006.

2. Bodinayakkanur Municipality/5th respondent is appellant before this Court. Originally, 1st respondent viz., Mr.K.S.Ramaraj, filed a writ petition for same relief and said writ petition came to be dismissed. Thus, 1st respondent



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preferred writ appeals in W.A.Nos.740, 741 and 742 of 1993. A Division Bench of this Court passed judgment on 18.08.1997 as under :

“5. We only wish to add that it is not enough if the Municipality simply prosecutes the offending owners, but it is the duty of the Municipality to see that the offending constructions are removed and the 60 feet road is formed in accordance with the scheme as approved by the Director of Town Planning. Even for the formation of the 60 feet road, the learned counsel for the Municipality says that it may be necessary for the Municipality to acquire certain lands. Whatever be the position, it is the duty of the Municipality to form the road as early as possible, by resorting to acquisition, if necessary. Beyond the above observations, no further relief can be given in the writ appeals. The writ appeals are disposed of with the above directions.”

3. Instead of seeking implementation of orders of the above Division Bench, after a lapse of about 21 years, another writ petition in W.P.No.32318 of 2006 has been instituted, seeking direction to implement Kusavalapalayam Detailed Development Scheme and Plan found in Tamil Nadu Government Gazette Part VI Section 1, dated 21.12.1994, by forming 60 feet A1A1 road and 40 feet B4 B4 road, in consequence of the order of Division Bench dated 18.08.1997 in W.A.Nos.740, 741 and 742 of 1993.

4. The learned Standing Counsel for appellant would submit that the road has already been developed under other Schemes. Since 1994 Scheme had not



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been implemented during the relevant point of time, proposal was submitted to the Government, seeking modification. However, roads have been developed as per the administrative decision taken by the competent authorities. He would further submit that in view of Section 38 of the Town and Country Planning Act, 1994, road widening scheme lapsed.

5. This Court is of the considered view that the second writ petition filed in W.P.No.32318 of 2006, seeking implementation of judgment of the Division Bench dated 18.08.1997, is not entertainable. Whereas, the Division Bench disposed of the writ appeals by passing a common judgment. Writ petition filed after a lapse of 21 years, seeking implementation of the directions of the Division Bench, ought not to have been entertained by the writ Court. That apart, forming of road schemes are administrative decisions to be taken and it is a policy decision.

6. The learned Standing Counsel for the appellant would submit that now, the road is being developed. In any event, any such development or widening of road schemes are to be undertaken through an administrative decision by the



Government.

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7. In view of the above factum, the order 07.06.2018 passed in W.P.No.321318 of 2006, is set aside and this Writ Appeal stands allowed. No costs. Connected C.M.P. is closed.

(S.M.S,J.) (M.S.Q, J.)

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Index : Yes
Neutral Citation : Yes/No
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AND

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To

1.The Secretary to Government
Housing and Urban Development Department
Chennai 9

2.The Secretary to Government
Rural Development and Local Administration Department
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