



W.P.(MD)No.364 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **07.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.364 of 2025

N.Elayalwar

... Petitioner

Vs.

1. The Director,
Directorate of Town and Country Planning,
Chennai.

2. The Assistant Director,
Town and Country Planning Department,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent No.1 herein to consider the petitioner's appeal petition dated 31.05.2024 and pass and appropriate order on merits within a stipulated time as prescribed by this Court.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.D.S.Neduncheliyan
Government Advocate



W.P.(MD)No.364 of 2025

ORDER

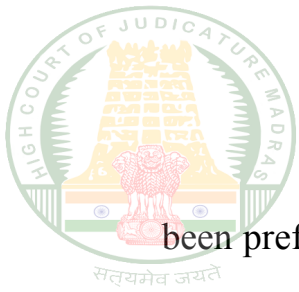
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This writ petition has been filed seeking for a direction to the first respondent to consider the petitioner's appeal petition dated 31.05.2024 and pass and appropriate order on merits within a stipulated time as prescribed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner owned the land in S.No.229/3, measuring to an extent of 4750 sq.mt., situated at Ayyaneri Village, Kovilpatti Taluk, Thoothukudi District. The petitioner divided the same into 27 plots and made an application to the second respondent seeking to regularize the unapproved plots and layouts of the aforesaid land as per G.O.No.78, 172, 55, Housing and Urban Development Department, dated 04.05.2017, 13.10.2017 and 02.05.2018 respectively along with all required documents. The same was rejected by the second respondent by order dated 30.04.2024, against which, an appeal has



W.P.(MD)No.364 of 2025

been preferred by the petitioner on 31.05.2024 before the first respondent. The same is kept pending endlessly and hence, this writ petition has been filed.

5. It is needless to point out that whenever an appeal is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the appeal made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, this Court hereby direct the respondents to consider the petitioner's appeal petition dated 31.05.2024 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

07.01.2025

NCC : Yes / No
Index : Yes / No



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W.P.(MD)No.364 of 2025

L.VICTORIA GOWRI, J.

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TO:-

1. The Director,
Directorate of Town and Country Planning,
Chennai.
2. The Assistant Director,
Town and Country Planning Department,
Thoothukudi District,
Thoothukudi.

Order made in
W.P.(MD)No.364 of 2025

Dated
07.01.2025