



W.P.(MD)No.1321 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1321 of 2025

and

W.M.P.(MD)No.910 of 2025

Amsavalli

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
CMDA Office Complex, E and C, Market Road,
Srinivasa Nagar, Virugambakkam,
Koyambedu,
Chennai.
- 2.The District Collector,
O/o the District Collectorate,
Madurai District,
Madurai.
- 3.The Assistant Director/Member Secretary,
District Town and Country Planning Office,
Madurai District.
- 4.The Block Development Officer (Village Panchayats),
Madurai East Panchayat Union,
Madurai District.

5.K.Alagarasu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the letter dated 13.05.2022, issued by the third respondent, in



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his proceedings in Na.Ka.No.3483/2024/Ma.Maa., dated 24.12.2024 and quash the same as illegal and consequentially to direct the 3rd respondent to modify the regularised layout/development plan approved by the 3rd respondent vide his proceedings in ம.வ./ம.உ.தி.கு.எண்.23(R)/2022 dated 13.05.2022, so as to provide access to the land of the petitioner comprised in the S.No.109/10C2, Puddupatti Village, Madurai North Taluk, Madurai District, by relocating such extent of the open space reservation/park in the land of the petitioner situated at Plot No.C40 and C40 A comprised in S.No. 109/12B, Puddupatti Village, Madurai North Taluk, Madurai District.

*(Prayer amended vide order of this Court dated 30.01.2025
in W.M.P.(MD)No.1972 of 2025 in
W.P.(MD)No.1321 of 2025 by LVGJ)*

For Petitioner : Ms.H.Jasima Yasmin
For M/s.Ajmal Associates
For Respondents 1 to 3 : Mr.D.S.Neduncheliyan
Government Advocate
For 4th Respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

Challenging the order passed by the 3rd respondent dated 24.12.2024, this Writ Petition is filed.

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

3.The impugned order has been passed, informing the petitioner that the layout mentioned in the petitioner's complaint has been approved only in terms of G.O.Ms.No.78, Housing and Urban Department (UD 4(3)) dated



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04.05.2017, without going into the merits of the petitioner's complaint.

However, the petitioner's plight is that the OSR land, which has been allotted by the promoter/5th respondent of the aforesaid layout, block the access to the petitioner's land comprised in survey No.109/10C2, Pudupatti Village, Madurai North Taluk, Madurai District. The petitioner had made a complaint on 16.12.2024, in this regard. However, while considering the petitioner's complaint, the petitioner's difficulty has not been taken into consideration and if the said OSR land is permitted and the approval of the said layout is continued to subsist as per the already granted approval, the petitioner would be deprived of her right of pathway (access) to her land. Hence, the claim of the petitioner is that necessarily the OSR land should be modified and the petitioner also submits that she is ready to offer the land, which she has already purchased in the aforesaid layout in plot Nos.C40 and C40A comprised in Survey No.109/12B, Pudupatti Village, Madurai North Taluk, Madurai District, for OSR.

4.The learned Government Advocate for the respondents 1 to 4 on instructions submitted that the aforesaid land would not be sufficient for reservation of OSR and hence at this point of time, the petitioner is not entitled to interfere in a matter, which has already been granted approval in terms of the aforesaid G.O.Ms.No.78. That apart, he added that to the knowledge of the local authority, almost most of the maximum number of plots have already been sold out. In view of the same, without hearing all the



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stakeholders, the final decision in this regard cannot be taken by the respondent authority.

5.However, this Court is of the considered view that while approving the layout, the respondent authorities ought to have seen whether any of the private land owners surrounding the said approved layout has been landlocked without access to their lands.

6.In view of the same, the impugned order is set aside and the matter is remanded back to the file of the third respondent and the third respondent is directed to consider the matter afresh by giving notice to all the stakeholders. Hence, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

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



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To

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L.VICTORIA GOWRI, J.

Mrn

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