



W.A.(MD).No.2601 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2601 of 2024
and
C.M.P.(MD).No.18193 of 2024

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

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar,
2nd Street,
Medical College Road,
Thanjavur - 613 007.

... Appellants/Respondents

Vs.

1.Thajudeen

2.Hajamydeen

3.Meharu Nisha

4.Bajirudeen

... Respondents/Writ Petitioners

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 27.09.2023 passed in W.P.(MD).No.17247 of 2023.



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

JUDGMENT

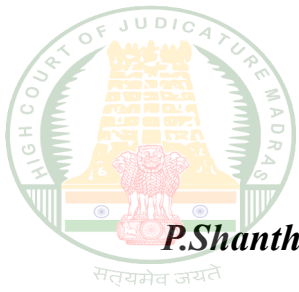
(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.17247 of 2023 dated 27.09.2023.

2. When the respondents / writ petitioners had, along with similarly placed persons, filed Writ Petitions seeking to release their lands as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 since they have not been acquired within a period of five years from the date of identification notification of the lands for the development plans under the Act, the Writ Petition came to be allowed with a further direction to the appellants / respondents to pay a cost of Rs.5,000/-.

3. When the Government had challenged the common order in the case of similarly placed persons, they had restricted their grounds of challenge in the Writ Appeal, on the imposition of costs alone. Accordingly, the Co-ordinate Division Benches of this Court in *W.A.(MD)No.414 of 2024*, dated **19.03.2024**

[The Director of Town and Country Planning, Chennai and three others vs.



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P.Shanthalakshmi], W.A(MD)No.534 of 2024, dated 02.04.2024 [The Director

of Town and Country Planning, Chennai and another vs. Gokila], W.A.

(MD)No.824 of 2024, dated 29.04.2024 [The Director of Town and Country

Planning, Chennai and another vs. Gunasekaran and another] and ***W.A.***

(MD).No.873 of 2024, dated 13.06.2024 [The Director of Town and Country

Planning, Chennai and another vs. B.Suresh], had expunged the costs alone

and had confirmed the orders of the learned Single Judge. It is relevant to

extract below one such order dated 19.03.2024 made in W.A.(MD).No.414 of

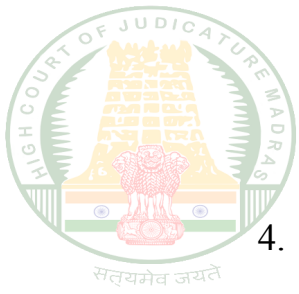
2024, which was followed by this Court in the subsequent cases:

"This Writ Appeal is directed against the order dated 27.09.2023 made in W.P.(MD)No.20424 of 2023 on the file of this Court.

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."



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4. Even in the case on hand, though the appellants have raised several grounds challenging the order passed by the Writ Court, the learned Special Government Pleader would submit that he is restricting his challenge only to the imposition of costs of Rs.5,000/-, in the light of the orders passed by the Co-ordinate Division Benches of this Court in the aforesaid cases.

5. In the light of the aforesaid orders of the Co-ordinate Division Benches, the order impugned passed in W.P.(MD)No.17247 of 2023 dated 27.09.2023, insofar as it imposes a cost of Rs.5,000/- on the appellants, is set aside. However, all other observations and findings in the said order shall remain intact.

6. Accordingly, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
09.01.2025

NCC : Yes / No
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