



W.P.(MD)No.4177 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

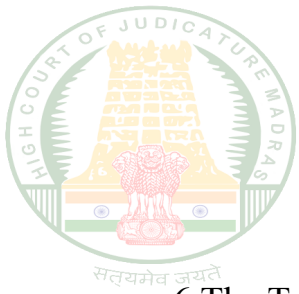
W.P.(MD)No.4177 of 2025

K.Rajagopalan

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
- 3.The District Collector,
The Collectorate, Tenkasi District.
- 4.The Deputy Director,
District Town and Country Planning Office,
Tenkasi District.
- 5.The Commissioner,
Tenkasi Municipality,
Anaikarai Street,
Tenkasi District.



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6.The Tahsildhar,
Tenkasi Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's land situate at T.S.Nos.46, 55, 56, 57, 70 and 73 in Block 14, Ward D, Puliur Village, Tenkasi Municipality, Tenkasi Taluk, Tenkasi District, from reservation which was earmarked for road in the Tenkasi proposed Land Plan - 2011 as lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, within the time stipulated by this Court.

For Petitioner	:	Mr.O.R.Gokul Abimanyu for M/s.C.Arul Vadivel Associates
For R1 to R4 and R6	:	Mr.J.K.Jayaselan Government Advocate
For R5	:	Mr.P.Athimoolapandian Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's land situate at T.S.Nos.46, 55, 56, 57, 70 and 73 in Block 14, Ward D, Puliur Village, Tenkasi Municipality, Tenkasi Taluk, Tenkasi District, from reservation which was earmarked for road in the Tenkasi proposed Land Plan - 2011 as lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The petitioner submits that the proposed road, which was approved in 2006, was incorporated into the Tenkasi Proposed Land Plan – 2011. However, no steps were taken to acquire the land or declare it within three years, as required under the Tamil Nadu Town and Country Planning Act, 1971. Subsequently, an alternative road was constructed through the petitioner's another land, for which compensation was received. The petitioner submits that there is no further necessity for the originally proposed road, as alternative routes have already been established. The petitioner intends to convert the land into house plots. Despite submitting a representation on 10.08.2023 and complying with the requirements of the fifth respondent, no action has been taken. As the detailed development plan was notified in 2011 and no acquisition was made within the statutory period, the petitioner claims that the scheme has lapsed. Therefore, the petitioner seeks a direction from this Court to release the subject lands from the reservation.

4. Heard both sides.

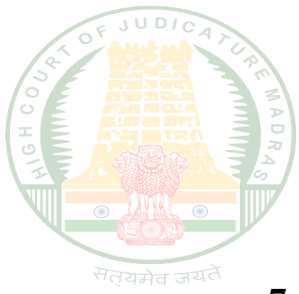


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping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

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 10.08.2023, followed by subsequent reminder dated 08.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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

NCC : Yes / No

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Index : Yes / No

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VIVEK KUMAR SINGH, J.

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