

W.P.(MD)No.4414 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.4414 of 2025

and

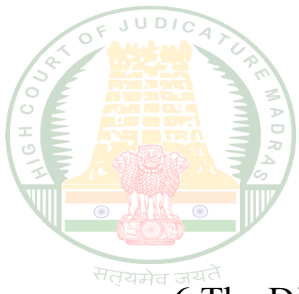
W.M.P.(MD)No.3170 of 2025

R.Latha

... Petitioner

-VS-

- 1.The Director of Town and Country Planning,
Office of the Director of Town and Country Planning,
Chennai.
- 2.The Deputy Director (I/c) of Town and Country Planning,
Office of the Deputy Director of Town and Country Planning,
Madurai Region.
- 3.The Assistant Director,
Office of the District Town and Country Planning Officer,
District Town and Country Planning,
Theni.
- 4.The Executive Authority / Member Secretary,
Theni Allinagaram Local Planning Authority,
Theni-Allinagaram,
Theni District.
- 5.The District Collector,
Office of the District Collector,
Theni District.



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6.The District Sports Officer
Sports Development Authority of Tamilnadu,
Theni.

7.The Block Development Officer (Village Panchayat),
Office of Panchayat Union,
Periyakulam, Theni.

8.The Commissioner,
Theni Allinagaram Municipality,
Allinagaram,
Theni.

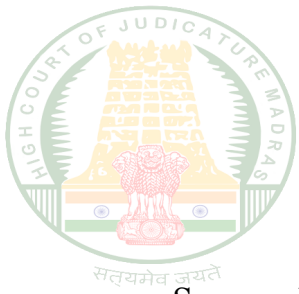
9.The Chairman,
Theni Allinagaram Municipality,
Allinagaram,
Theni.

10.The Town Survey Sub Inspector,
Land Survey,
Theni Allinagaram Municipality,
Allinagaram,
Theni.

11.The Special Officer,
Office of Vadapudupatti Village Panchayat,
Vadapudupatti Village Panchayat,
Theni District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein, their officials and subordinates or agents on their behalf from proceeding with formation of football playground over the 50 feet public scheme road "B2B2" bounded on the north side of the petitioner's property in Survey Nos.157 and 158, correlating Town



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Survey Nos.1/5A3A and 1/5A2, Ward-F, Block-2, within Theni Allinagaram Municipality, Theni, in view of the approval of the first respondent in the Detailed Development Plan No.VIII, numbered as Map No.4, in his proceedings Roc.No.11581/2007/DP2, dated 26.06.2010 and consequently, direct the respondents herein to restore and maintain "50 feet public scheme road B2B2" bounded on the north side of the petitioner's property in Survey Nos.157 and 158, as right of way to the petitioner, on the basis of the representations given by the petitioner, dated 10.01.2025 and 01.02.2025.

For Petitioner	:	Mr.A.K.Sriram Senior Counsel for Mr.K.Muthu Ganesa Pandian
For R1 to R6 and R9 to R11	:	Mr.C.Venkatesh Kumar Special Government Pleader
For R7	:	Mr.P.Thambidurai Government Advocate
For R8	:	Mr.G.Kaleeswaran Standing Counsel

ORDER

This writ petition has been filed seeking to forbear the respondents herein, their officials and subordinates or agents on their behalf from proceeding with formation of football playground over the 50 feet public scheme road "B2B2" bounded on the north side of the petitioner's property in Survey Nos.157 and 158,

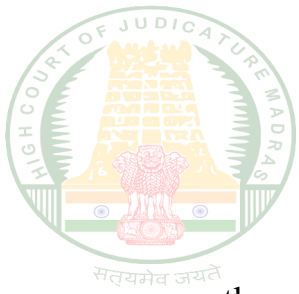


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correlating Town Survey Nos.1/5A3A and 1/5A2, Ward-F, Block-2, within Theni Allinagaram Municipality, Theni, in view of the approval of the first respondent in the Detailed Development Plan No.VIII, numbered as Map No.4, in his proceedings Roc.No.11581/2007/DP2, dated 26.06.2010 and consequently, direct the respondents herein to restore and maintain "50 feet public scheme road B2B2" bounded on the north side of the petitioner's property in Survey Nos.157 and 158, as right of way to the petitioner, on the basis of the representations given by the petitioner, dated 10.01.2025 and 01.02.2025.

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

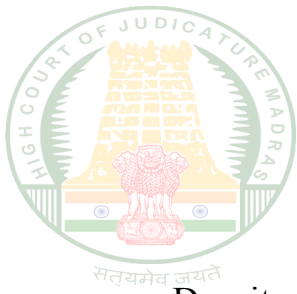
3. The learned Senior Counsel appearing for the submits that the petitioner had purchased 51 cents and 1492 $\frac{3}{4}$ square feet of land in Survey Nos.157 and 158, Karuvelnaickenpatti, Allinagaram Village, Theni, corresponding to Town Survey Nos.1/5A2 and 1/5A3A, through two registered sale deeds, dated 21.07.2006 (Doc. No.4404 of 2006) and 30.07.2007 (Doc.No.5462 of 2007). Prior to the same, the petitioner's vendor had offered a 10-feet wide road on the



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northern side of the land, as part of the Detailed Development Plan No.VIII, as consent was issued by the first respondent under Section 25 of the Town and Country Planning Act for the said scheme and scheme road. The 10-feet road was intended to form part of a 50-feet wide scheme road on the northern boundary of the petitioner's property, which was approved by the first respondent in the Detailed Development Plan No.VIII (Map No. 4), and which had attained finality without any modification. However, contrary to the approved Detailed Development Plan, the respondents have now commenced work to convert the 50-feet public scheme road on the northern boundary of the petitioner's property into a football playground, without following due process.

4. The learned Senior Counsel further submits that all the official records of the respondents confirm the existence and maintenance of the 50-feet public scheme road, which is the petitioner's only legal access to his property. The adjoining land on the eastern side of the petitioner's property, which belongs to his wife, has already been developed with the necessary plan approvals from the respondents. Hence, the petitioner no longer has any other right of way and access to his property through the said public road has been unreasonably denied.



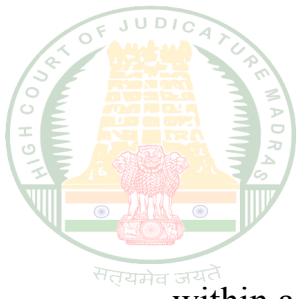
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Despite repeated representations made by the petitioner to the respondents, bringing their attention to these violations and the breach of the approved plan, no action has been taken to preserve the petitioner's right of way over the public scheme road. Therefore, the petitioner has been forced to file this writ petition.

5. The learned Special Government Pleader appearing for the respondents 1 to 6 and 9 to 11 submits that the representations of the petitioner will be considered and appropriate orders will be passed on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Heard both sides.

7. 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



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within a stipulated time.

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8. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 10.01.2025 and 01.02.2025, 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. In the interregnum, the respondents shall maintain *status quo* prevailing as on date. 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.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

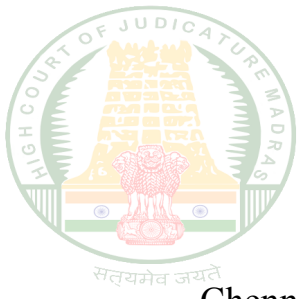
18.02.2025

Index : Yes / No

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To:-

1. The Director of Town and Country Planning,
Office of the Director of Town and Country Planning,

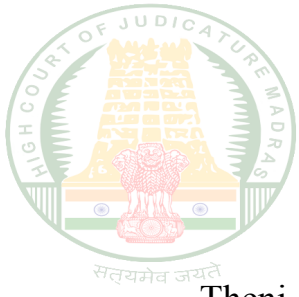


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Chennai.

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- 3.The Assistant Director,
Office of the District Town and Country Planning Officer,
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- 9.The Chairman,
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VIVEK KUMAR SINGH, J.

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