



W.P.(MD)No.5478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5478 of 2025

and WMP (MD) No.4009 of 2025

1. A.L.Raghuram

2. T.S.N.Krishnan

: Petitioners

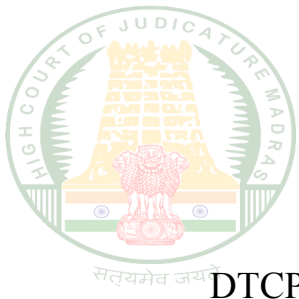
Vs.

1. The Director,
O/o. Town and Country Planning
2nd, 3rd and 4th Floor, C Market Road,
Koyembedu, Chennai 600 107.

2. The Joint Director / Member,
Secretary, Town and Country Planning,
Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar, Kajamalai Colony,
Trichy,
Thiruchirappalli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the reservation made in respect of the petitioners land situated at Ward A Melur Vellithirumutham Thimarayasamudram Village, Block No.41, Trichirapalli Corporation Old S.F.No.1350/1A2P and New T.S.No. 1350/115 forming part of Thiruchirappalli Local Planning Area Srirangam Division detailed development Plan No. 01 (Map No.4 and 5)



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DTCP No.25/2009 dated 00.09.2009 has been lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971 within the period that may be stipulated by this Honble High Court.

For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader

ORDER

This Writ Petition has been filed to declare the reservation made in respect of the petitioners' land situated at Ward A Melur Vellithirumutham Thimarayasamudram Village, Block No.41, Trichirapalli Corporation, Old S.F.No.1350/1A2P and New T.S.No. 1350/115, forming part of Thiruchirappalli Local Planning Area Srirangam Division detailed development Plan No. 01 (Map No.4 and 5) DTCP No.25/2009 dated 00.09.2009 has been lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.

2.The petitioners claim that they are the owners of the subject property and that they only became aware that the property is included under the "Thiruchirappalli Local Planning Area Srirangam Division Detailed Plan No.01" when they made a draft application to the



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second respondent seeking plan approval. The petitioners assert that they were neither informed nor provided with any notice prior to the notification of the said Detailed Development Plan. In this regard, the petitioners submitted a representation on 18.02.2025 to the respondents, requesting to release the land in question from the proposed Detailed Development Plan. However, as no action has been taken on the representation, the petitioners have now approached this Court by filing the present Writ Petition.

3. Heard both sides.

4. 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.



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5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioners' representation dated 18.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, as well as all other persons, who may be interested in the subject matter, within a period of four weeks 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 second respondent to consider the same on its own merits.

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

28.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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