



W.A(MD)Nos.495 & 496 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)Nos.495 & 496 of 2024
and
C.M.P(MD)Nos.3989, 3990 & 3992 of 2024**

W.A(MD)No.495 of 2024:

1.M.Jeyamuthu
2.M.Muthukumar
3.Hari Prasad

... Appellants /
Respondents 1 to 3 /
Petitioners

Vs.

1.Ishwarriya G.T

... 1st Respondent /
Review Petitioner /
3rd Party

2.The District Collector,
Madurai,
Madurai District.

3.The Director,
Town and Country Planning,
Chennai.

1/7



W.A(MD)Nos.495 & 496 of 2024

4.The Members Secretary,
Madurai Local Planning Authority,
Madurai.

5.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents 2 to 5 /
Respondents 4 to 7 /
Respondents 4 to 7

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow this Writ Appeal setting aside the order dated 20.02.2024 in Rev.Aplw(MD)No.99 of 2022 in W.P(MD)No.25229 of 2022 passed by this Court.

For Appellants : Mr.R.G.Shankar Ganesh

For Respondents : Mr.K.R.Laxman for R.1

Mr.A.Kannan
Additional Government Pleader
for R.2 to R.4

Mr.K.K.Kannan for R.5

W.A(MD)No.496 of 2024:

1.M.Subbulakshmi
2.S.Meenakshi
3.B.Kalyani
4.M.Jeyamuthu
5.M.Thirumal
6.M.Nagalakshmi
7.M.Saraswathi
8.M.Subramani

... Appellants /
Respondents 1 to 8 /
Petitioners



W.A(MD)Nos.495 & 496 of 2024

Vs.

WEB COPY

1.Ishwarriya G.T

... 1st Respondent /
Review Petitioner /
3rd Party

2.The District Collector,
Madurai,
Madurai District.

3.The Director,
Town and Country Planning,
Chennai.

4.The Members Secretary,
Madurai Local Planning Authority,
Madurai.

5.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents 2 to 5 /
Respondents 9 to12 /
Respondents 9 to 12

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 20.02.2024 in Rev.Aplw(MD)No.100 of 2022 in W.P(MD)No. 25229 of 2022 passed by this Court.

For Appellants : Mr.R.G.Shankar Ganesh

For Respondents : Mr.K.R.Laxman for R.1

Mr.A.Kannan
Additional Government Pleader
for R.2 to R.4



W.A(MD)Nos.495 & 496 of 2024

Mr.K.K.Kannan for R.5

WEB COPY

COMMON JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellants' power agent had submitted a layout approval way back in the year 2006. Approval was granted by the competent authority on 08.08.2006. On 20.09.2006, gift deeds conveying the road portions were executed in favour of the local body. Based on the layout approval, plots were also subsequently alienated. Thereafter, the promoters of the layout filed W.P(MD)Nos.25228 of 2022 and 25229 of 2022 seeking release of the petition mentioned lands which had been earmarked as 80 feet road in the Kochadai Detailed Development Plan 2 and 3. Applying Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 the writ petitions were allowed by the learned single Judge vide order dated 10.11.2022. Subsequently, one of the plot purchasers, namely, Ishwarriya filed Rev.Aplc(MD)Nos.99 and 100 of 2022. The review applicant contended that Section 38 of the Town and Country Planning Act, 1971 will apply only if the land in question had been earmarked for a public purpose in the Detailed Development Plan and the same was not



W.A(MD)Nos.495 & 496 of 2024

acquired within three years. The case on hand, however, would not fall within that category, since the land in question had been specifically shown as road in the layout application by the promoters. Therefore, the case on hand would fall outside the scope of Section 38 of the Town and Country Planning Act, 1971. Accepting the contention of the review applicant, the learned single Judge vide order dated 20.02.2024 allowed the review applications. Aggrieved by the same, these Writ Appeals have been filed.

3.The learned counsel appearing for the appellants contended that it would have been enough if the promoter had shown 30 feet road alone and that it was not necessary to show an 80 feet road in the layout application. He pointed out that the 80 feet road has been shown as a “scheme road”.

4.The contention of the learned counsel for the appellants does not impress us. Admittedly, the Detailed Development Plan was formulated in the year 1997. By the year 2000 itself, in view of the application of Section 38 the subject lands had been released from the reservation stipulated in the Detailed Development Plan. The layout applicants on their own had gifted an 80 feet road. Based on the same, plots had also been subsequently sold. Therefore, it is not open to the promoters at this stage to resile from the stand originally



W.A(MD)Nos.495 & 496 of 2024

taken. The learned single Judge had rightly allowed the review applications

and the case on hand does not attract Section 38 of the Town and Country

Planning Act, 1971. There is no merit in these appeals.

5.These Writ Appeals stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
14.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Director,
Town and Country Planning,
Chennai.
- 3.The Members Secretary,
Madurai Local Planning Authority,
Madurai.
- 4.The Commissioner,
Madurai Corporation,
Madurai.



WEB COPY



W.A(MD)Nos.495 & 496 of 2024

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)Nos.495 & 496 of 2024

14.07.2025