



WA(MD)No.2675 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM :

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

**WA(MD)No.2675 of 2024
and
CMP(MD)No.18595 of 2024**

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2. The Joint Director,
Tirunelveli District Town and Country Planning Office,
Xavier Colony, South Bypass Road,
Tirunelveli -5.

... Appellants

vs.

C.Subramanian

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.09.2023 made in W.P(MD)No.26501 of 2022.

For Appellants : Mr.S.Shaji Bino, Special Government Pleader
For Respondent : Mr.S.Meenakshi Sundaram, Senior Counsel
for Mr.R.T.Arivukumar



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JUDGMENT

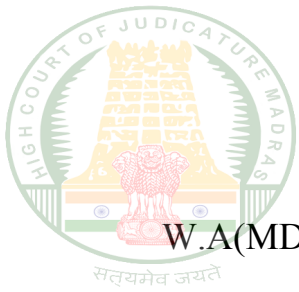
(Judgment of the Court was made by **M.S.RAMESH, J.**)

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The present Writ Appeal is directed against the order passed by the Writ Court dated 27.09.2023 made in W.P(MD)No.26501 of 2022.

2. When the respondent / writ petitioner 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 WA(MD)No.414 of 2024, dated 19.03.2024 [The Director of Town and Country Planning, Chennai and three others vs. 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],



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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 Judges. It is relevant

to extract below one such order dated 19.03.2024 made in WA(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."

3. Even in the case on hand, though the appellants have raised several grounds challenging the order passed by the Writ Court, the learned Special



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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 abovesaid cases.

4. In the light of the abovesaid orders of the Co-ordinate Division Benches, the order impugned passed in W.P(MD)No.26501 of 2022, 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.

5. Accordingly, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
06.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To
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and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
WA(MD)No.2675 of 2024
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