



W.P.(MD)No.9887 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9887 of 2025

A.Nilabar Nisha

: Petitioner

Vs.

1. The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.

2. The Deputy Director,
Town and Country Planning,
Theni,
Theni District.

3. The Member Secretary,
Local Planning Authority,
Cumbum Municipality,
Cumbum,
Theni District.

4. The Commissioner,
Cumbum Municipality,
Cumbum,
Theni District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to release the petitioners land with an extent of 2911.46 square feet in S.



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No.2170/3, Ward-A, Block No.22, survey held 5 Sub Divisions 21 and 22, in Uthamapuram Village, Cumbum Town, Theni District earmarked for the Detailed Development Plan No.7 of Cumbum Local Planning Authority by treating the Detailed Development Plan No.7 of Cumbum Local Planning Authority as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, on the basis of the representation of the petitioner dated 18.11.2024.

For Petitioner : Mr. L.Siva

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader
for R1 to R3

Mr.K.Hema Karthikeyan
Standing Counsel for R4

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's land in S.No.2170/3, Ward-A, Block No.22, at Uthamapuram Village, Cumbum Town, Theni District, earmarked for the Detailed Development Plan No.7 of Cumbum Local Planning Authority by treating the Detailed Development Plan No.7 of Cumbum Local Planning Authority as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, on the basis of the representation of the petitioner dated 18.11.2024.



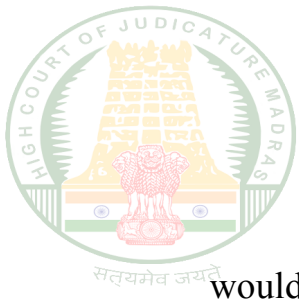
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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims to be the owner of the petition-mentioned property. The grievance of the petitioner is that although the respondents have not acquired the petitioner's land under the Scheme titled “The Detailed Development Plan No.7 of Cumbum Local Planning Authority”, her property has not been released from the reservation of the said Plan. In this regard, the petitioner submitted a representation dated 18.11.2024 to the respondents, requesting to release her property from the said scheme. However, as no action has been taken, the petitioner has now filed the present writ petition.

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



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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.

5. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 18.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all the other persons, who may be interested in the subject matter, within a period of six 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 third 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.

08.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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