

WP(MD)No.23548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.23548 of 2025

and

WMP (MD)No.18494 of 2025

P.Jeyakumar

: Petitioner

Vs.

- 1.The Director,
Directorate Town and Country Planning,
Koyembedu,
Chennai-600 107.
- 2.The Assistant Director,
Madurai Local Planning Authority,
Madurai District Town and Country
Planning Office,
Sector 6, Aanaiyur-Mudakathan Main Road,
Koodal Pudur,
Madurai-625 017.
- 3.The Special Officer/Block Development Officer,
(Village Panchayat)
Thiruparankundram,
Madurai District.
- 4.Mrs.I.Bhavani : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to defer the enquiry proceedings in Na.Ka.No.316/2024/TCp-1 until the disposal of O.S.No.22 of 2025 on the file of the District Munsif Court, Thirumangalam, Madurai District, and pass such further or other orders.



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WP(MD)No.23548 of 2025

For Petitioner : Mr.N.Sathish Banu

For R1 and R2 : Mr.D.Ghandiraj
Special Government Pleader

For 3rd Respondent : Mr.K.R.Badurus Zaman
Government Advocate

For 4th Respondent : Mr.M.P.Senthil

O R D E R

This writ petition is being disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Government Advocate for the 3rd respondent as well as the learned counsel appearing for the 4th respondent.

2.The petitioner appears to have obtained layout approval under the provision of the Tamil Nadu Regularization of Unapproved Plots and Layouts Rules, 2017. Aggrieved by the same, the private respondent namely the respondent No.4 had challenged the same before this court in WP(MD)No.15943 of 2021 which came to be disposed on 27/09/2023. By the above said order, the 4th respondent was directed to file an appeal before the first respondent herein.



3. Operative portion of the order in WP(MD)No.15943

of 2021, dated 27/09/2022 reads as under:-

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"2. The learned Counsel for the 5th respondent submitted that the layout approval was granted to 5th respondent by the Block Development Officer. Once the approval is granted the Block Development Officer has no revision power to revise the same. The petitioner ought to challenge the layout approval by way of filing an appeal to the appropriate authority. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that the Block Development Officer himself is not having power to grant approval.

3. It is seen that under Section 5(4) of the Tamil Nadu Regularization of Unapproved Plots and Layouts Rules, 2017, the Block Development Officer is also one of the authorities to approve unapproved layouts as well. Therefore, the appropriate remedy is to file an appeal before the Director of Town and Country Planning.

4. The petitioner is directed to file an appeal to the Director of Town and



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WP(MD)No.23548 of 2025

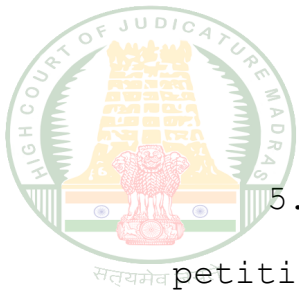


Country Planning within a period of four weeks from the date of receipt of a copy of this order, thereafter, the Director shall consider the appeal within a period of twelve weeks therefrom.

5.Since the Director of Town and Country Planning is not a party in this writ petition, this Court is suo motu impleading the Director of Town and Country Planning as 6th respondent.

6.With the above said observation and directions, the writ petition is disposed of. No costs."

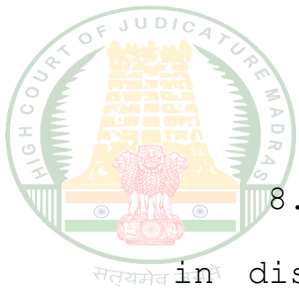
4.Pursuant to the above order, the 4th respondent has filed an appeal before the first respondent. During the interregnum, the petitioner has also filed a suit for declaration that the pathway on the land adjacent to the land standing in the name of the petitioner and the land in which the petitioner has sold to the buyers are that of the petitioner in OS No.22 of 2025 before the District Munsif Court, Thirumangalam, Madurai District.



5.It is submitted by the learned counsel for the petitioner that the appeal was not moved for almost two years, despite the order dated 27/09/2023. It is submitted that the enquiry before the first respondent in the appeal filed by the 4th respondent should be kept in abeyance.

6.The learned counsel appearing for the 4th respondent would submit that after the appeal was filed, the appeal was not taken up by the first respondent and therefore, the 4th respondent was constrained to move Contempt Petition in Cont.P(MD)No.1640 of 2025 and pursuant to the same, enquiry has been conducted by first respondent and orders are likely to be passed.

7.Considering the arguments advanced by the learned counsel appearing for the petitioner and the official respondents and the private respondent namely the 4th respondent, in my view, the writ petition is misconceived as it is for petitioner, who directed the 4th respondent to approach the first respondent by filing an appeal.



WP(MD)No.23548 of 2025

WEB COPY

8.The 4th respondent cannot be blamed for the delay in disposal of the appeal, as it is for the first respondent to have proceeded further, if the appeal was filed by the 4th respondent, pursuant to the direction, dated 27/09/2023 in WP(MD)No.15943 of 2021. Mere pendency of OS No.22 of 2025 before the District Munsif Court, Thirumangalam, Madurai District with the help of the petitioner is of no consequence. It is for the petitioner to work out his remedy and in case, the petitioner succeeds in the suit, it is for the petitioner, thereafter to take further steps to undo any development that may have taken place thereafter, as they would be hit by the principles of *lis pendency*.

9.In view of the same, the writ petition is liable to be dismissed and is accordingly **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

28/08/2025

Internet :Yes/No
Index :Yes/No
NCC : Yes/No
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WP(MD)No.23548 of 2025

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- 4.The Special Government Pleader,
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- 5.The Government Advocate,
Madurai Bench of Madras High Court,
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WP (MD) No. 23548 of 2025

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WP (MD) No. 23548 of 2025

28/08/2025