

W.P.(MD) No.25412 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.25412 of 2025

A.Karthickeyan

... Petitioner

-VS-

1.The Director of Town and Country Plannin,
No.807, Anna Salai,
Chennai, Chennai District.

2.The Assistant Director,
Town and Country Planning,
Regional and LPA Officer,
Theni District, Theni.

3.The Executive Officer,
Thenkarai Town Panchayat,
Thenkarai, Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to release the petitioner's patta land in Patta No.3494, S.No.126/2, Plot No.2 an extent of 1181 ¼ sq.fts at Thenkarai Village, Periyakulam Taluk, Theni District from the scheme road of the year 2001 (Abounded Scheme Road) by considering his representation dated 21.08.2025 within the period stipulated by this Court.



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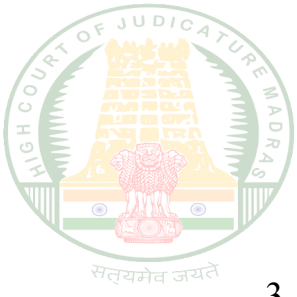
For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.Kannan (For R1 & R2)
Additional Government Pleader
Mr.S.Shanmugavel (for R3)
Additional Government Pleader

ORDER

The writ petition has been filed seeking a direction to the second respondent to release the petitioner's patta land in Patta No.3494, S.No.126/2, Plot No.2 an extent of 1181 ¼ sq.fts at Thenkarai Village, Periyakulam Taluk, Theni District, from the scheme road of the year 2001 (Abounded Scheme Road) by considering his representation dated 21.08.2025.

2. Heard the arguments of Mr.A.Haja Mohideen, learned counsel for the petitioner, and Mr.A.Kannan, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 and 2 and Mr.S.Shanmugavel, learned Additional Government Pleader, who takes notice on behalf of the third respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, he purchased the subject land in Patta No. 3494, S.No.126/2, Plot No.2 to an extent of 1181 $\frac{1}{4}$ sq.fts at Thenkarai Village, Periyakulam Taluk, Theni District, on 08.03.2021 vide registered sale deed Doc No.764 of 2021. The said Plot had road on the east and west. After purchasing the said land, the petitioner had put up a small house and has been paying the property tax. The said plot is having existing road on the east to width of 30 ft., but there is no access for public. In the year 2001, a scheme was formed to lay the road on the eastern side of the petitioner's plot running north-south. However, the said scheme was abandoned by the authorities several years ago for the reasons best known to them. It is contention of the petitioner that any property, identified and notified as land required for the development plans, ought to have been acquired within a period of five years as per Section 38(2) of the Tamil Nadu Town and Country Planning Act, 1971. If the lands are not acquired within the prescribed time from the date of publication under the Government Gazette, such lands shall be deemed to be lapsed from such reservation. In this regard, the petitioner had submitted a representation to the respondents to release his patta land. However, the same has not been considered so far. Hence, the petitioner is before this Court.



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4. The learned Additional Government Pleader, on instructions, would submit that the representation submitted by the petitioner will be considered and order will be passed in accordance with law.

5. In view of the above, without expressing any opinion on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 21.08.2025 and pass final orders on its own merits, within a period of two months from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as other interested parties, if any. In the meantime, *status-quo* shall be maintained.

6. With the above direction, this writ petition is disposed of. No costs.

18.09.2025

NCC : Yes/No
Index : Yes/No
Rmk



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P.T.ASHA, J.

Rmk

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