



W.P(MD)No.26532 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.26532 of 2025

and

W.M.P(MD)No.20583 of 2025

M.Mohamed Arsath Shersha

..Petitioner

Vs

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

2. The Joint Director / Deputy Director/ Assistant Director
Town and Country Planning Development,
(Planning Permission),
446/A, Ward No. 17 Nehruji Street,
Allinagaram,
Theni 652 531

3. The Tahsildar
Periyakulam Taluk,
Theni District.

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

..Respondent



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare that the proposed Scheme Road measuring 44.45 Sq. meter marked in Orange color in the 2nd respondents Impugned L.P/AD DTCP(TD) No. SWP/29/2025 dated 05.03.2025 became lapsed under section 38 of the Tamil Nadu Town and Country planning Act 1971 consequently direct the 2nd respondent to approve the Plan for entire extent of 218 Sq.M. in Patta No. 8021 in S.No. 126/2A1A2 in Thenkarai Village, Periyakulam Taluk, Theni District, within the period as stipulated by this court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.A.Kannan
Addl. Govt. Pleader

ORDER

This matter is listed today under the caption “for being mentioned” at the request of the learned counsel for the petitioner.

2. Earlier, by order dated 22.10.2025, this Court closed the writ petition and passed the following order:

“It is informed that even prior to the filing of the writ petition, approval for the entire extent had been granted on 05.03.2025. Hence, no further order is required in this writ petition. Accordingly, the writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is also closed.”



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3. Today, the learned counsel for the petitioner submits that, contrary to what was earlier recorded, the approval has in fact not been granted.

4. This Court is of the view that the appropriate remedy for the petitioner is to file an application seeking recall of the order dated 22.10.2025.

5. Post the matter after the recall petition is filed.

skn

07.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

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P.T.ASHA, J.

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