



W.P.(MD).No.30557 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.30557 of 2024

Aruppukottai Nadargal Uravin Murai
Pothu Abiviruthi Trust,
Rep. By its President,
M.Suthagar,
17, S.P.K.School Road,
Aruppukottai,
Virudhunagar District.

... Petitioner

-VS-

1. The Principal Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai.
2. The Director of Town and Country
Planning Authority, Koyambedu,
Chennai.
3. The Commissioner,
Aruppukkottai Municipality,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the reservation made in respect of the petitioner's trust land comprised in Old Survey Number 94/2 and New



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Survey No. 42/15 measuring a total extent of 0.97.0 Ares (0.3540.0 square meters) in erstwhile Chinna Puliampatti Village, Aruppukottai Taluk and presently Aruppukottai Town Ward A, Block 29 of the Aruppukottai Taluk, Virudhunagar District with Patta No. 263 included in Aruppukottai Local Planning Authority's North East Extension Town Planning Scheme Part - I, which was reserved for laying proposed road, is lapsed and release the same from the reservation / designation / allotment under Sections 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy

For Respondents : Mr.C.Venkatesh Kumar (R1 & R2)

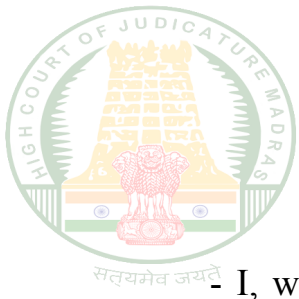
Special Government Pleader

Mr.N.Dilipkumar (R3)

Standing Counsel

ORDER

This Writ Petition has been filed to declare the reservation made in respect of the petitioner's trust land comprised in Old Survey Number 94/2 and New Survey No. 42/15 measuring a total extent of 0.97.0 Ares (0.3540.0 square meters) in erstwhile Chinna Puliampatti Village, Aruppukottai Taluk and presently Aruppukottai Town Ward A, Block 29 of the Aruppukottai Taluk, Virudhunagar District with Patta No. 263 included in Aruppukottai Local Planning Authority's North East Extension Town Planning Scheme Part



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- I, which was reserved for laying proposed road, is lapsed and release the same from the reservation / designation / allotment under Sections 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971.

2.The petitioner claims that they are the owners of the subject property and they assert that they were neither informed nor provided with any notice prior to the notification of the said Detailed Development Plan. Hence, the petitioner has now approached this Court by filing the present Writ Petition seeking the aforesaid relief.

3. Heard both sides.

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 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.



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5. In the light of the above observations, there shall be a direction to the petitioner to make a fresh application to the second respondent seeking the aforesaid relief as sought for in this writ petition, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks thereafter. 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 second 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.

12.03.2025

NCC : Yes/No
Index : Yes / No
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3. The Commissioner,
Aruppukkottai Municipality,
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VIVEK KUMAR SINGH, J.

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Order made in
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