



W.P.(MD)No.9630 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.9630 of 2026

A.Karthickeyan

... Petitioner

vs.

1.The Director of Town and Country Planning,
Office of the Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to issue a definitive recommendation and resolution regarding the removal of petitioner's land comprised in Patta No.3494, Survey No.126/2, Plot No.2, measuring an extent of 1181¼ sq.ft., situated at Thenkarai Village, Periyakulam Taluk, Theni District, from the proposed "Scheme Road" alignment, in view of the 2nd respondent's communication in File No.



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2VY3J1U8/2026/TCP dated 10.03.2026, to enable the 1st respondent to consider and regularize the petitioner's plot based on his online application No. 2VY3J1U8 dated 06.03.2026 within the period stipulated by this Court.

For Petitioner :Mr.S.Atham Ali
For R1 and R2 :Ms.P.B.Aamed Yasmin Parvin
For R3 :Mr.S.S.Madhavan
Additional Government Pleader

ORDER

The petitioner is before this Court seeking issuance of a writ of mandamus directing the third respondent to issue a definitive recommendation and resolution for removal of the petitioner's land comprised in Patta No. 3494, Survey No. 126/2, Plot No. 2, measuring an extent of 1181¼ sq.ft., situated at Thenkarai Village, Periyakulam Taluk, Theni District, from the proposed scheme road.

2. The petitioner claims to be the owner of the subject plot, which forms part of an unauthorised layout, and has sought regularisation of the same. The second respondent, by communication dated 03.10.2025, informed the petitioner that action would be taken upon receipt of a definitive recommendation and resolution from the Executive Officer of



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Thenkarai Town Panchayat regarding removal of the site from the scheme road.

3. It is not in dispute that the subject plot was reserved for a scheme road in the Master Plan published in the year 2001. Admittedly, the said land has not been acquired till date. Therefore, by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the reservation of the subject land for a scheme road is deemed to have lapsed. Consequently, there is no necessity for the second respondent to insist upon a recommendation or resolution from the third respondent.

4. In view of the above, this writ petition is disposed of with a direction to the second respondent to consider and regularise the subject plot, subject to the petitioner satisfying all other eligibility criteria, without insisting upon a No Objection Certificate or resolution from the third respondent.

5. The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



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6. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

08.04.2026

cmr

To

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HEMANT CHANDANGOUDAR, J.

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