



W.P.(MD)No.10142 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.10142 of 2024

E.Sudalai Muthu

... Petitioner

vs.

1.The Joint Director of Town and Country Planning,
Bypass Road, Tirunelveli.

2.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to process the petitioner's online application in No. S9UOJ7WI, dated 29.11.2023 for Sub-Division of Old S.No. 757/3, presently situated at T.S.No. 117/1 to an extent of 24 cents in Ward BM, Block 34, Tirunelveli City Municipality Corporation, without insisting link road as shown in the Perumalpuram Extension Development Scheme No. 9, based on upon the order passed in W.P.(MD).No. 28181 of 2022 dated 22.12.2022 declaring that the reservation shown as road as lapsed.



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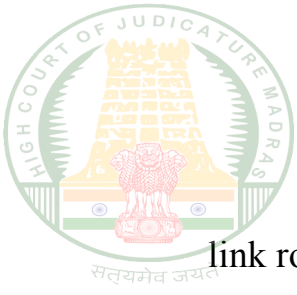
For Petitioner :Mr.H.Arumugam
For R1 :Ms.K.R.Shivashankari
Government Advocate

ORDER

Heard Mr. H. Arumugam, learned counsel for the petitioner, and Mrs. K.R. Shivashankari, learned Government Advocate, who appeared for the first respondent.

2.The petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondents to process his application bearing No. S9UOJ7WI dated 29.11.2023 for subdivision of Old Survey No.757/3, presently comprised in T.S.No.117/1, measuring an extent of 24 cents in Ward BM, Block No.34, Tirunelveli City Municipal Corporation, without insisting upon the provision of a link road as shown in the Perumalpuram Extension Development Scheme No.9.

3.The grievance of the petitioner is that his application for subdivision has not been processed on the ground that a scheme road passes through the subject property and that he is required to provide a



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link road as contemplated under the aforesaid development scheme.

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4.The learned counsel for the petitioner submitted that the subject property had originally been reserved for a scheme road under the Perumalpuram Extension Development Scheme No.9. However, the said reservation has been declared to have lapsed by this Court in W.P.(MD) No.28181 of 2022, by order dated 22.12.2022. Therefore, according to the petitioner, there is no legal basis for insisting upon a link road, and he is entitled to have his application for subdivision considered on its own merits.

5.The learned Government Advocate appearing for the first respondent submitted that the petitioner's application would be considered in accordance with law and also in the light of the order passed by this Court in W.P.(MD) No.28181 of 2022 dated 22.12.2022. The said submission is placed on record.

6.It is not in dispute that the reservation of the subject property for the purpose of the scheme road has already been declared to have lapsed



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by this Court. In such circumstances, the insistence on providing a link road under the Perumalpuram Extension Development Scheme No.9 cannot be sustained. Nevertheless, the petitioner's application for subdivision is required to be examined in accordance with the applicable statutory provisions and other relevant requirements.

7.In view of the above, the writ petition is disposed of with a direction to the first respondent to consider and process the petitioner's application dated 29.11.2023 for subdivision of Old Survey No.757/3, presently comprised in T.S.No.117/1, measuring an extent of 24 cents in Ward BM, Block No.34, Tirunelveli City Municipal Corporation, without insisting upon the provision of a link road under the Perumalpuram Extension Development Scheme No.9, subject to the petitioner satisfying all other statutory requirements.

8.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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9. There shall be no order as to costs.

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

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To

1. The Joint Director of Town and Country Planning,
Bypass Road, Tirunelveli.

2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.



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HEMANT CHANDANGOUDAR, J.

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