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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P(MD)No.1197 of 2024
in
WP(MD)No.17247 of 2023

1.Thajudeen

2.Hajamydeen

3.Meharu Nisha

4.Bajirudeen ... Petitioners / Petitioners

vs.

1.B.Ganesan, IAS,
The Director,
Directorate of Town and Country Planning,
2nd, 3rd, and 4th Floor, C & E Market Road,
Koyambedu,
Chennai – 600 017.

2.Karthick Krishna,
The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd street,
Medical College Road,
Thanjavur – 613 007. ... Contemnor
/ Respondent Nos.1 and 2

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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings under Section 11 of the Contempt of Courts, 1971 against the respondent herein for their will disobedience to implement the order passed by this court in WP(MD)No.17247 of 2023 order dated 27.09.2023 and punish the respondent.

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.Siva Subramanian,
Government Advocate

ORDER

This contempt petition has been filed that the orders of this court dated 27.09.2023 passed in WP(MD)No.17247 of 2023 has not been complied with.

2.The petitioners' property in Annal Agragaram village, Kumbakonam taluk, Thanjavur District was notified in the Kumbakonam Master Plan based on the plan approved by the Director of Town and Country Planning in the year 2005. The master plan was published in the gazette on 29.06.2005 as per Section 31 of the Tamil Nadu Town and Country Planning Act 1971 [hereinafter referred to as “1971 Act”]. Though the publication was made in the year 2005, the

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government had neither taken any steps to acquire their lands nor issued any notification till the year 2023. Therefore, the petitioners have approached this Court seeking a writ of mandamus to release their lands from the Kumbakonam master plan, by treating the same as lapsed under Section 38 of the 1971 Act.

3.The writ petition filed by the petitioners in WP(MD)No.17247 of 2023 was taken up along with similar writ petitions filed by other landowners, whose lands were also notified in the gazette but not acquired by the government, within the period provided under section 38 of the 1971 Act. Therefore, all the writ petitions were taken up together in WP(MD)No.26501 of 2022, etc batch and disposed by way of a common order dated 27.09.2023.

4.This Court, considering the manner in which the notifications were made, without the required funds, the fact that none of the master plans was implemented in the past several years and also taking note of the volume of cases filed before this Court seeking the release of lands under section 38 of the 1971 Act, has come down on the government for retaining the lands of the petitioners by issuing a notification under section 31 and depriving them of their property.

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Considering the manner in which the landowners were prevented from utilizing and enjoying their property for nearly a decade, this Court considered disposing each writ petition with a cost of Rs.1 lakh. However, the learned counsels appearing for the petitioners insisted this Court to waive the cost, that in the event of imposing costs, the Government will contest the matter on appeal and they would be further burdened with those litigation expenses. In light of the this submissions, this Court disposed the writ petitions by imposing a cost of Rs. 5,000/- in each writ petitions, payable by the Director of Town and Country Planning to the respective petitioners.

5.The respondents have filed separate writ appeals challenging the cost portion alone in W.A.(MD)No.414 of 2024, W.A(MD)No.534 of 2024, W.A. (MD)No.824 of 2024 and W.A.(MD).No.873 of 2024. The Division Bench of this Court by orders dated 19.03.2024, 02.04.2024, 29.04.2024 and 13.06.2024 have set aside the cost portion alone.

6.Thereafter, the petitioner has issued a notice for contempt through his counsel on 24.04.2024 to the respondents seeking implementation of the orders of

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this Court in WP(MD)No.17247 of 2023. The same is extracted as under:

"7.My client states submit that through your office accorded approval and published in Gazette for the "Kumbakonam Master Plan" even on 29.06.2025, till date their lands have not been acquired under the land acquisition Act or purchase agreement has been entered into with my client. He submits that the land is deemed to have been released after the expiry of 3 years in light of section 38 of the Act.

8.My client states that he submitted a representation with the Thanjavur Local Planning office on 10.05.2023 and requested to release the land property for getting house site approval to construct house in the aforesaid land. Subsequently, on 12.07.2023, he had house in the aforesaid land. Subsequently on 12.07.2023, he had given a detailed representation to the 2nd respondent. The Respondent received their representations but till date there is no action from them for releasing of my land property. He state that your office ought to have released his aforesaid land property from the "Kumbakonam Master Plan" since it is lapsed as per section 38 of Tamil Nadu and Country Planning Act 1971. Your office ought to have strictly adhered to provisio of section 37(2) of the Act.

9.My client states that for the above said issue my client filed a Writ Petition in W.P.(MD)No: 17247 of 2023 before the Hon'ble Madurai Bench of Madras High Court and the Hon'ble Court allowed the petition in favour of my client. It is pertinent to mention, the extract from the common order:

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"18. Therefore, all these writ petitions are allowed, releasing the lands of the petitioners from the respective development plans.

10.My client further states that a copy of the Hon'ble High Court order has been given to your office in person. Following the above mentioned order, the same was not considered till date. My client states that you have not implemented the order of the Hon'ble High Court and such action on your part is bad in law and you have wilfully and wantonly committed the contempt of court. Till date you have not implemented the order of this Hon'ble Court. It is your constitutional obligation to release my client's land as per the direction of the Hon'ble Court."

7.This notice for contempt was received by the office of the respondents in the month of April 2024 itself. However, the respondents have not taken any steps to release the lands of the petitioners from the Kumbakonam master plan, as directed by this Court in para 18 of the judgment in WP(MD)No.26501 of 2022, etc batch dated 27.09.2023. Hence, the petitioners have filed this contempt petition. In the said contempt petition, the learned Government Counsel took notice for the respondents on 03.07.2024 and this Court directed to list the matter after 2 weeks. However, it was not listed as directed by this Court.

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8.Thereafter, when this contempt petition was taken up on 21.03.2025, it was reported that a writ appeal in WA(MD)No.2601 of 2024 was preferred as against the order of this Court in W.P.(MD).No.17247 of 2023 dated 27.09.2023 and the same was disposed, by setting aside the cost portion alone.

9.Considering this conduct of the contemnors in not complying with the orders of this Court, even after the dismissal of the writ appeal against the same on 19.01.2025, this Court by order dated 21.03.2025 issued statutory notice to the respondent contemnors. Thereafter, a sub application has been filed on 16.04.2025, seeking to dispense with the appearance of the Director of Town and Country Planning. In this sub-application, a new theory has been introduced that the land of the petitioners was merely reclassified and not reserved for public purpose. Therefore, the question of acquisition does not arise. It was further stated that the petitioners have to submit an online application for change of land use, as per Section 32 of the 1971 Act.

10.Strangely, this stand was not taken by the respondent contemnors during pendency of the writ petitions. The learned Additional Advocate General

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appeared when this matter was taken up on 21.04.2025 and submitted that the matter pertains to re-classification of master plan and stated that necessary orders would be issued in two months' time. Recording the same, this Court directed to list this contempt petition in the first week of June 2025. Pursuant to the submissions of the learned Additional Advocate General, the respondent contemners have issued G.O.(2Pa.) No.196, Housing and Urban Development Department, dated 04.06.2025, converting the land usage of the petitioners' lands from Public and Semi-Public, P & S-4 Zone and Agriculture, AGW-4 Zone to Residential zone. A compliance report was also filed before this Court on 10.06.2025. The relevant portion is extracted hereunder:

> *''2.மேற்காண் நிலப்பயன் மாற்றம் குறித்து மேலே படிக்கப்பட்ட கடிதத்தில் நகர் ஊரமைப்பு இயக்குநரால் அளிக்கப்பட்ட பரிந்துரையை அரசு ஆய்வு செய்து அதனை ஏற்கிறது. அதன்படி, தஞ்சாவூரைச் சேர்ந்த மனுதாரர்கள் திரு.தாஜீதீன் மற்றும் மூவர், தஞ்சாவூர் மாவட்டம், கும்பகோணம் உள்ளூர் திட்டப்பகுதி / வட்டம், அண்ணலக்ரஹாரம் ஊராட்சி / கிராமம், புல எண்.115/1-இல் அமைந்துள்ள நிலம் மற்றும் மாத்தி கிராமம் - புல எண்கள்.241/11, 241/12, 241/16-இல் அமைந்துள்ள நிலத்தினையும் சேர்த்து மொத்தம் 10550 ச.மீ பரப்பளவுள்ள நிலத்தினை மறுஆய்வு ஒப்புதலளிக்கப்பட்ட கும்பகோணம் முழுமைத்திட்டத்தில் பொது மற்றும் பகுதி பொது உபயோகப் பகுதி மற்றும் விவசாய உபயோகப் பகுதியிலிருந்து குடியிருப்பு*

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உபயோகப் பகுதியாக பின்வரும் நிபந்தனைகளுக்குட்பட்டு நிலப்பயன் மாற்றம் செய்ய அரசு அனுமதித்து ஆணையிடுகிறது:-

i.உத்தேச மனையிடத்தின் தெற்குப் பக்கம் கால்வாய் அமைந்துள்ளதால், நீர்நிலைகளை ஒட்டி மேற்கொள்ளப்படும் வளர்ச்சிகளுக்குத் தேவையான உரிய வழிமுறைகள் பின்பற்றப்பட வேண்டும்.

ii.தமிழ்நாடு ஒருங்கிணைந்த வளர்ச்சி மற்றும் கட்டட விதிகள், 2019-க்குட்பட்டு வளர்ச்சிப்பணிகள் மேற்கொள்ளப்பட வேண்டும்."

11.The learned counsel appearing for the petitioners states that the order of this Court has been complied with and therefore, he is not pressing the contempt petition.

12.This Court is unable to understand the stand taken by the respondents in this contempt petition. This writ petition was filed for releasing the property of the petitioners under Section 38 of the 1971 Act, as it was acquired for a Master plan. This Court allowed the writ petition and batch of writ petitions, with a direction to release the properties of the petitioners under Section 38 of the Act. The pleading in the writ petitions is for seeking relief under Section 38 of the 1971 Act and the petitioners have argued these cases in that regard. Even in the

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contempt petition, it is contented that the properties of the petitioners has not been released. Though the government counsel have appeared for the respondent department, during the hearing of the writ petitions, the respondents have not taken any stand as to the change in classification of lands of the petitioners. However, in the sub application alone, a new theory has been introduced the petitioners' land has been reclassified and an order, to that effect has been produced.

13.The petitioners who pleaded a different case before this Court, during the writ petitions, are also taking a stand now that the orders of this Court have been complied with and their lands were reclassified.

14.This Court has disposed of the writ petitions, based on the contentions that the lands of the petitioners were acquired for a master plan and was liable to be released under Section 38 of the 1971 Act. However, on perusing the papers during this contempt proceeding, this Court found that the relief sought during the writ petitions and the government order produced by the respondents is entirely different.

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15.Though this court has disposed of this contempt petition on 23.07.2026 with certain directions, before signing the order, this court needed certain clarifications from the respondents and therefore, the order has not been signed and despatched. Therefore, this court directed the Registry to list this matter under the caption “For clarification”.

16.Accordingly, the order dated 23.07.2026 is recalled though not signed. This Court expects a response from the Director of Town and Country Planning, regarding the manner in which the petitioners' land was reclassified and why the present stand was not taken during the hearing of the writ petitions by the department.

Post on 09.09.2026

24.08.2026

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To

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