



W.P.(MD)No.13980 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.13980 of 2026

R.Chellapandi

... Petitioner

vs.

1.The Assistant Director,
District and Town Country Planning,
Theni District.

2.The Executive Officer,
Thenkarai Selection Grade,
Thenkarai Town Panchayat,
Periyakulam Taluk, Theni District.

3.T.M.Naushad Ahmed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd Respondent to issue Development Charge payment receipt based on the 1st Respondent's Proceeding in Na.Ka.No.100/2022/th.Ma.2, dated 23.09.2022 based on the petitioner's representation on 24.04.2026 within a time as stipulated by this Court.



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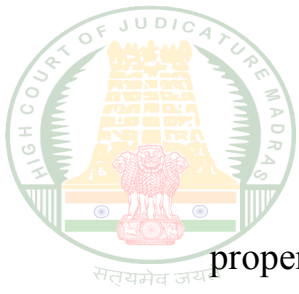
For Petitioner :Mr.A.Sheik Nasurdeen
for Mr.B.Arun
For R1 and R2 :Mr.M.Mahaboob Athiff
Government Advocate

ORDER

Heard Mr. A. Sheik Nasurdeen, learned counsel appearing for the petitioner, and Mr. M. Mahaboob Athiff, learned Government Advocate, who accepts notice on behalf of respondents 1 and 2. Notice to the third respondent is dispensed with in view of the order proposed to be passed.

2.The petitioner is before this Court seeking issuance of a Writ of Mandamus directing the second respondent to issue a demand notice enabling the petitioner to remit the development charges pursuant to the layout approval granted for formation of a residential layout.

3.The case of the petitioner is that the second respondent had approved the residential layout in favour of the petitioner by proceedings dated 23.09.2022. However, despite such approval, the second respondent has not issued the requisite demand notice for payment of development charges, citing the pendency of a civil suit relating to the



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property.

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4.This Court is of the view that the mere pendency of a civil suit cannot, by itself, constitute a ground for withholding issuance of a demand notice. Unless there exists a specific order of injunction or restraint passed by the competent civil court prohibiting the formation of the residential layout or restraining the authorities from proceeding further, the respondents cannot refuse to take consequential steps pursuant to the layout approval already granted.

5.In the absence of any order of restraint operating against the petitioner, the second respondent is under an obligation to issue the necessary demand notice pursuant to the layout approval granted in favour of the petitioner, thereby enabling the petitioner to remit the development charges and proceed in accordance with law.

6.Accordingly, this writ petition stands disposed of with a direction to the second respondent to issue the requisite demand notice calling upon the petitioner to pay the development charges, pursuant to the



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petitioner's representation dated 24.04.2026, within a period of six (6) weeks from the date of receipt of a copy of this order. Upon depositing of the development , the petitioner is preserved with the liberty to develop the land in conformity with the approved layout plan.

7.It is made clear that any action taken pursuant to such demand notice, including payment of development charges and further processing of the layout approval, shall remain subject to the outcome of the pending civil suit and any orders that may be passed therein.

8.There shall be no order as to costs.

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

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HEMANT CHANDANGOUDAR, J.

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