



WEB COPY



1

REV.APLW.(MD)NO.69 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

REV.APLW.(MD)No.69 of 2018

in

W.P.(MD)No.21834 of 2015 &

W.M.P.(MD)No.22195 of 2018

U.Nagarajan

... Review Petitioner/Respondent No.13

Vs.

1. Logambal

... Respondent / Writ petitioner

2. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.

3. The Director of Town and Country Planning,
Opp. To LIC,
Chengalvarayan Building, Fourth Floor,
No.807, Anna Salai,
Chennai – 600 002.

4. The Deputy Director of Town an Country Planning,
Williams Road, Cantonment,
Trichy – 620 001.

5. The District Collector,
Trichy District, Trichy.



6. The Revenue Divisional Officer,
Srirangam, Trichy District.

7. The Block Development Officer,
(Village Panchayat),
Manikandam Panchayat Union,
Manikandam, Trichy District.

8. The Tahsildar,
Srirangam Taluk,
Trichy District.

9. Thangaraj

10. A.Rengammal(Died)

11.Arumugam

12.Thangadurai

13.Ravi Murugaiah

... Respondents / Respondents

Prayer: Review application filed under Section 14 r/w. Order XLVII
Rule 1 CPC, to review the order dated 17.08.2017 passed in W.P.
(MD)No.21834 of 2015 and allow this review petition.

For Petitioner : Mr.S.R.Rajagopal, Senior counsel,
for Ms.C.Sangamithirai.

For Respondents : Mr.T.Amjad Khan,
Government Advocate
for R-2 to R-6 & R-8.
Mr.K.P.Krishnadoss for R-7.
Mr.M.Saravanan for R-1.
Mr.C.V.Karthikeyan for R-13.
No appearance for R9 & R-11

* * *

**ORDER****(By G.R.SWAMINATHAN, J.)**

The review applicant herein seeks review of the order dated 17.08.2017 made in W.P.(MD)No.21834 of 2015. The said writ petition was filed by one Logambal. The case of Logambal was that the 30 feet road lying to the south of her plot had been compounded and that the authorities are declining to treat it as an encroachment. The promoter of the layout Thiru.Ravi Murugaiah had put up the compound wall and the 13th respondent / review applicant herein was actually the contesting respondent. Even though they had been served, they did not choose to enter appearance. The writ petition was allowed by the Division Bench in the following terms:-

“The writ petitioner is in occupation of the land comprised in Survey Nos.80/6, 84/1A, 84/1B and 84/1C measuring 1.72 acres. To reach the land from the main road, there is a customary pathway running through the Survey Nos.80/2, 80/3 and 80/4 in the same village. The private respondents herein have promoted the layout in the Survey Nos.80/2, 80/3 and 80/4 and named it as Vasan Nagar South Extension.



2. Even though, the planning norms mandate that while forming a lay out, all the roads must end in the neighbouring lands so as to ensure continued access, the promoters in this case have chosen to put up a wall in Survey Nos.80/6, 84/1A in Nachikurichi Village, Srirangam Taluk, Trichy District. This wall has blocked the petitioner's access completely.

3. The allegation of the writ petitioner is that such a wall has been illegally put up and there is no planning approval for the same. It appears that even the lay out was not promoted after getting appropriate permission from the competent authorities.

4. None appears for the private respondents. Since the action of the private respondents in putting up a compound wall is opposed to the very concept of planned development, this Court directs the authorities particularly the respondents 6 and 7 to demolish the wall in question within a period of two months from the date of receipt of a copy of this order, since it is a part of an unauthorised layout.

5. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.



2.The learned Senior counsel representing the review applicant reiterated all the contentions set out in the grounds of review. He pointed out that the land lying to the south of the writ petitioner's plot was purchased by the review applicant vide sale deed dated 07.08.2014. It had been numbered as plot No.1074-B and 1074-C. He drew our attention to the claim made by the writ petitioner. The writ petitioner had projected that on account of the obstruction made by the promoter, her customary and easementary right had been affected. The writ petitioner is said to be owning agricultural lands to the east of the petition mentioned plot. He submitted that such issues should be resolved only before the jurisdictional civil Court and not in writ jurisdiction. He also relied on the decisions reported in ***(2005) 4 SCC 741(Board of Control for Cricket in India Vs. Netaji Cricket Club), 2013 SCC OnLine Mad 357 (Sathuvachary Raghavendra Nagar Residents' Welfare Association, Rep. by its Secretary G.Nedumaran, No.1/4, 2nd Street, Ragavendra Nagar, Sathuvachary, Vellore-632 009 Vs. Palar Garden Association, Rep. By its Secretary C.Rajavelu, at H-4, Palar Garden, Sathuvachary, Vellore-632 009) and 2025 SCC OnLine SC 1927 (Malleeswari Vs. K.Suguna).***



3.The learned Senior counsel further contended that the contentions now urged before us would very much fall within the scope of Order 47 Rule 1 CPC. According to him, the review applicant failed to appear before this Court during the writ proceedings due to sheer inadvertence and that the contentions now urged before us could not be originally placed. He called upon this Court to set aside the impugned order and grant relief as prayed for.

4.Per contra, the learned counsel appearing for the writ petitioner submitted that no case for review has been made out.

5.We carefully considered the rival contentions and went through the materials on record.

6.It is not in dispute that Thiru.Ravi Murugaiah promoted the petition-mentioned layout comprised in survey Nos.80/2, 80/4 and 78/7 in Nachikurichi village, in Srirangam Taluk. It was not, however, an approved layout. Thiru.Ravi Murugaiah had promoted the land measuring more than 2 acres and formed more than 50 plots. The plot purchased by the writ petitioner was shown as plot



No.1074/A in the layout. Since extensive arguments were advanced on either side, we requested the learned counsel for the writ petitioner to produce copies of the sale deeds standing in her name. The petitioner had filed a typed set of papers enclosing the sale deed dated 10.10.2011 standing in her vendor's favour and also the sale deed dated 17.05.2012 standing in her name. These are registered documents. Along with the sale deed, a copy of the layout sketch had also been enclosed. The four boundary description of the Plot No.1074/A in the writ petitioner's vendor's sale deed reads as follows:-

“கிழக்கில் திரு.ச.தங்கராஜு மற்றும்
திருமதி.அ.ரெங்கம்மாள் வகையறாக்களின் மீதி நிலம்,
தெற்கில் 30 அடி அகல வாசன் நகர்
விஸ்தரிப்பு(தெற்கு) 17-வது கிராஸ் கிழமேல் ரோடு,
மேற்கில் 30 அடி அகல வாசன் நகர்
விஸ்தரிப்பு(தெற்கு) தென்வடல் மெயின் ரோடு,
வடக்கில் தங்களுக்கு சொந்தமான
(திரு.S.கணேசன்) வடபுறபகுதி மனை.”

The four boundary description of the plot No.1074/A in the writ petitioner's sale deed reads as follows:-



“கிழக்கில் திரு.ச.தங்கராஜு மற்றும்
திருமதி.அ.ரெங்கம்மாள் வகையறாக்களின் மீதி நிலம்,
தெற்கில் 30 அடி அகல வாசன் நகர்
விஸ்தரிப்பு(தெற்கு) 17-வது கிராஸ் கிழமேல் ரோடு,
மேற்கில் 30 அடி அகல வாசன் நகர்
விஸ்தரிப்பு(தெற்கு) தென்வடல் மெயின் ரோடு,
வடக்கில் S.கணேசன் அவர்களுக்கு சொந்தமான
வடபுறபகுதி மனை.”

It can thus be seen that to the south of the writ petitioner's plot, 30 feet road now known as 17th Cross road runs. Even though the writ petitioner had claimed that obstructions had been raised both in 18th Cross road as well as the 17th Cross road, the scope of the proceedings stands confined only to the 17th Cross road.

7. Even though the layout in question is not an approved one, it has been held in more than one case that once a road has been earmarked in the sketch and plots have been sold on that basis, even if the layout is an unapproved one, it will be treated only as a public road and the original promoter will not have any right to deal with the road portion (vide **2023 (4) CTC 63 (M.Rajagopal v. Suresh)**, **2007 3. LW. 995 (DB) (T.N.Rajasekaran v. State of T.N)**, **2021 (5)**



CTC 648 (DB) (T.G.Naveen v. Chairman, TNEB). As per Section 48 of the Transfer of Property Act 1882, it is the prior purchaser who will have the priority of right. The review applicant had purchased only in the year 2014. The writ petitioner had purchased the property in the year 2012 itself. Therefore, when 30 feet 17th Cross road has been shown as the southern boundary of the writ petitioner's plot, the same could not have been converted into plot No.1074-B and plot No.1074-C and sold in favour of the review applicant.

8.Taking into account the fact that a road in any layout should not be blocked and that it should lead to the adjoining property, we We allowed the writ petition. We hold that our order does not suffer from any error apparent on the face of the record. This review application stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
6th April 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU/skm



To:

1. The Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 600 009.
2. The Director of Town and Country Planning,
Opp. To LIC,
Chenglavarayan Building, Fourth Floor,
No.807, Anna Salai, Chennai – 600 002.
3. The Deputy Director of Town and Country Planning,
Williams Road, Cantonment, Trichy – 620 001.
4. The District Collector,
Trichy District, Trichy.
5. The Revenue Divisional Officer,
Srirangam, Trichy District.
6. The Block Development Officer (Village Panchayat),
Manikandam Panchayat Union,
Manikandam, Trichy District.
7. The Tahsildar,
Srirangam Taluk,
Trichy District.



WEB COPY



11

REV.APLW.(MD)NO.69 OF 2018

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

PMU/skm

REV.APLW.(MD)No.69 Of 2018
in
W.P.(MD)No.21834 of 2015

06.04.2026