

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 11.04.2019****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****WP(MD)No.15400 of 2018**

Kanimozhi

... Petitioner

Vs.

1.The Commissioner,
Town & Country Planning,
807, Anna Salai, Chennai.

2.The Assistant Director / Member Secretary,
Local Planning Authority,
Kajamalai Main Road, Kajamalai,
Trichy - 23.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.No.5357/2018/LA2 dated 25th April 2018 on the file of the first respondent and quash the same and further direct the respondents to regularize the upapproved layout relating to Cibi Garden at S.F No.109/2 Pitchandar Koil Village, Mannachanallur Taluk, Trichy district with Registration No.DTCP/L/0033244/2017 dated 2nd December 2017 under G.O Ms.No.78 dated 4th May 2017 r/w G.O.No.172 dated 13th October 2017.

For Petitioner : Mr.RM.Sivakumar
For Respondents : Mr.M.Karuppasamy,
Government Advocate

ORDER

The writ petitioner purchased one acre of land in S.F No.109/2 in Pitchandarkoil Village, Mannachanallur Taluk, Trichy District vide a registered sale deed dated 24.01.2013. She plotted out the said property into 22 housing plots and one plot was settled in favour of her husband by the petitioner on 22.08.2016 by way of registered settlement deed. The petitioner thereafter applied for regularisation of plots. The writ petitioner's request was declined



by the second respondent herein. The petitioner is aggrieved by the stand of the respondents and wants this Court to direct the respondents to regularise the petition mentioned unapproved layout.

2. Heard the learned counsel on either side.

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3. The learned counsel appearing for the writ petitioner drew my attention to the Regularisation of Unapproved Plots and Layouts Rules, 2017 issued vide G.O (Ms) No. 78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017. Rule 3 reads as follows :

"3. Cut-off date for considering regularisation of unapproved plots and layouts -

Only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20th October, 2016 shall be considered for regularisation under these rules. Similarly, all plots including unsold ones are eligible for regularisation in layouts where at least a part of the total number of plots have been sold through a registered sale deed as on 20th October, 2016. Individual plot in a sub-division registered by a sale or titled deed as on 20th October, 2016 shall also be eligible for regularisation. As proof and evidence, the plot holder or the layout promoter is required to furnish copies of the sale deed or title deed for the plots sold. Agreement for sale or General Power of Attorney shall not be considered as evidence for proof of sale of plot."

4. The petitioner's counsel also drew my attention to the expression "sale deed or title deed" occurring in the said Rule. According to him, the settlement deed is also a title deed and in this case, it was executed by the writ petitioner and registered on 22.08.2016 and that is clearly before the cut off date namely 20.10.2016. He therefore wanted this Court to interfere in favour of the writ petitioner and grant the relief sought for.

5. I am unable to agree with the submissions made by the learned counsel for the petitioner. Even a bare reading of the recitals would indicate that there must have been a sale and registration of a portion of the unapproved layout on or before 20.10.2016. Of course, as rightly contended by the petitioner's counsel, there is a reference to "title deed" in the said Rule. But then, in such a case, it is only the individual concerned that would be eligible for regularisation. Therefore, the plot settled by the writ petitioner in favour of her husband would certainly be eligible for regularisation. But, on this account, the petitioner cannot seek benefit of the said G.O for the entire layout. Hence, only to the limited extent as indicated above the petitioner's husband can get relief. I decline to interfere with the stand of the respondents.



6. With this clarification, this writ petition stands dismissed.
No costs.

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Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner,
Town & Country Planning,
807, Anna Salai, Chennai.
2. The Assistant Director / Member Secretary,
Local Planning Authority,
Kajamalai Main Road, Kajamalai,
Trichy - 23.

+1cc to Mr. RM. SIVAKUMAR, Advocate, SR.No. 60580

+1cc to M/s. Special Government Pleader, SR.No. 60988

WP (MD) No. 15400 of 2018

11.04.2019

SKM

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