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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NOS.17215 OF 2019 AND 12488 OF 2020

AND

W.M.P.NO.15546 OF 2020

Jay M Jay Trade Links Pvt. Ltd.,  
Rep.by its Managing Director,  
S.J.Alphonse,  
Old No.37, New No.4,  
"RIO LOK" Apartment,  
Club Road, Chetpet,  
Chennai - 600 031.

... Petitioner in  
W.P.No.17215 of 2019

.Vs

1. The Director,  
Directorate of Town and Country Planning,  
Anna Salai,  
Chennai - 2.
2. The Block Development Officer,  
Kadambathur BDO Office,  
Thiruvallur District.
3. The Assistant Director of Town  
and Country Planning,  
No 43/397-A-2<sup>nd</sup> Floor,  
Annai Indira Gandhi Salai,  
Rajajipuram Phase - II,  
Thiruvallur - 602 001.
4. The Sub Registrar,  
Office of the Sub Registrar,  
54, Naidu Street,  
Perambakkam - 631 207.
5. The President,  
Keelancheri Panchayat Union,  
Village No.127,  
Thiruvallur - 631 402.



6. The President,  
Mappedu Panchayat Union,  
Thiruvallur District - 631 402.

... Respondents in  
W.P.No.17215 of 2019

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PRAYER IN W.P.NO.17295 OF 2019:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Directing the Respondents to consider the representation given by the Petitioner dated 5-2-2019 and consequently direct the Respondents to pass appropriate orders for removal of Survey No.189 /B1 and B2 Which was mistakenly added while executing a Gift deed in Favour of Village No.127, Keelacherry Panchayat Union, Thiruvallur District (R5) in accordance with law.

Smt.Chinnammal

.. Petitioner in  
W.P.No.12488 of 2020

.Vs.

1. The District Collector,  
Thiruvallur District Collectorate,  
Thiruttani Road,  
Thiruvallur Town, Taluk and District.
2. The Block Development Officer,  
Kadambathur BDO Office,  
Thiruvallur District.
3. The Director,  
Directorate of Town and Country Planning,  
Thiruvallur District,  
Having office at  
Thiruvallur Town, Taluk and District.
4. The District Registrar,  
Thiruvallur District,  
Having office at  
Thiruvallur Town, Taluk and District.
5. The Sub Registrar,  
Perambakkam Sub Registry,  
Perambakkam Village,  
Thiruvallur Taluk and District.
6. The Tahsildar,  
Thiruvallur Taluk office,  
Thiruvallur Town, Taluk and District.



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7. S.J.Alphonse Proprietor,  
M/s.Jay M Jay Trade Links Pvt. Ltd.,  
Old No.37, New No.4,  
Rio Lok Apartment, Club Road,  
Chetpet, Chennai - 31.

8. The Panchayat President,  
Kilacherry Village Panchayat,  
Kilacherry Village,  
Thiruvallur Taluk and District.

... Respondents in  
W.P.No.12488 of 2020

PRAYER IN W.P.NO.12488 OF 2020:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the directing the respondents 1 2 and 8 to cancel the Gift Deed dated 16.09.2011 executed by the 7<sup>th</sup> respondent in favour of the 8<sup>th</sup> respondent and which as registered in Doc.No.3221 of 2011 on the file of the 5<sup>th</sup> respondent and consequently direct the Respondents 1 and 6 to effect cancellation of all invalid revenue entries and patta in respect of petitioner's land bearing Survey No.189/1B1, having an extent of 54 Cents. comprised in Patta No.694, in Kilachery Village, Mappedu Firka, Tiruvellore Taluk and District and to further direct the 3rd respondent to cancel the approval granted in respect of petitioner's property.

For Petitioner : Mr.A.Saravanan  
(in Both WPs)

For Respondents : Mr.A.Selvendran  
(in W.P.No.17215 Government Advocate  
of 2019) For R1 to R3, R5

Mr.U.Baranidharan  
Government Advocate  
For R4, R6

For Respondents : Mr.A.Selvendran  
(in W.P.No.12488 Government Advocate  
of 2020) For R1, R3, R5  
Mr.E.Balamurugan  
For R2

Mr.U.Baranidharan  
Government Advocate  
For R4, R6



## COMMON ORDER

The issue involved in both the writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

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2. Heard Mr.A.Saravanan, learned counsel for the petitioner, Mr.A.Selvendran, learned Government Advocate for R 1 to R 3 and R 5 in W.P.No.17215/2019 and for R1, R3 and R 5 in W.P.No.12488/2020 and Mr.U.Baranidharan, learned Government Advocate appearing on behalf of respondents 4 and 6 in both writ petitions and Mr.E.Balamurugan, learned counsel for R2 in W.P.No.12488 of 2020.

3. The petitioner in W.P.No.17215 of 2019 was intending to develop a lay out at Meppedu, Kilchery and Govindamedu Villages in Tiruvallur District. The total extent for which the lay out was proposed is to the tune of 32.11 Acres. The application submitted by the petitioner was sanctioned vide DTCE approval No.76/99 dated 09.03.1999. While granting this approval, the petitioner Company had conveyed certain lands in favour of fifth and sixth respondents in this writ petition by virtue of a gift deed dated 16.09.2011. While executing the gift deed, the petitioner seems to have included two survey numbers by oversight viz., Survey No.189/B1 and 189/B2. According to the petitioner, this was a clerical mistake and the same needs to be rectified and the petitioner is also willing to provide alternate lands, if required by the fifth and sixth respondents.

4. A representation was made in this regard on 05.02.20219, to the respondents. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. The petitioner in W.P.No.12488 of 2020, has also sought for a similar relief to the effect that her property situated in Survey No.189/B1 to an extent of 54 cents has been wrongly included in the gift deed and therefore she has sought for the cancellation of the gift deed.

6. In the considered view of this Court, the request made by the petitioners can be considered by the Assistant Director of Town and Country Planning, Tiruvallur. The said authority shall call the petitioners for an enquiry and during enquiry, if it is found that the relevant Survey Numbers have been wrongly included due to inadvertence/mistake, necessary steps can be taken to rectify the gift deed. At the time of enquiry, the relevant Panchayat Unions shall also be put on notice. If during enquiry, it is found that there will be shortage of land by virtue of removing two survey numbers from the gift deed, it is



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left open to the petitioner in W.P.No.17215 of 2019 to provide for alternate lands and if required to execute a fresh gift deed for those lands. The third respondent shall complete this exercise and take a decision within a period of eight weeks from the date of receipt of copy of this order.

7. The petitioner in W.P.No.17215 of 2019 is directed to make a fresh representation to the Assistant Director of Town and Country Planning, Tiruvallur along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the President of Keelacheri Panchayat Union and Mappedu Panchayat Union, Tiruvallur.

8. Both the writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Director,  
Directorate of Town and Country Planning,  
Anna Salai,  
Chennai - 2.
2. The District Collector,  
Thiruvallur District,  
Thiruvallur.
3. The Assistant Director of Town  
and Country Planning,  
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5. The President,  
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7. The Block Development Officer,  
Kadambathur BDO Office,  
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8. The Director,  
Directorate of Town and country Planning,  
Thiruvallur District,  
Having office at  
Thiruvallur Town, Taluk and District.
9. The District Registrar,  
Thiruvallur District,  
Having office at  
Thiruvallur Town, Taluk and District.
10. The Sub Registrar,  
Perambakkam Sub Registry,  
Perambakkam Village,  
Thiruvallur Taluk and District.
11. The Tahsildar,  
Thiruvallur Taluk office,  
Thiruvallur Town, Taluk and District.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.56448  
+1cc to Mr.R.Vivekanandan, Advocate, S.R.No.56403  
+1cc to the Government Pleader, S.R.Nos.56683 & 56710

W.P.NO.17215 OF 2019 AND  
12488 OF 2020

BR(CO)  
PBS/10/12/2021