



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10419 of 2017 and W.M.P.No.11304 of 2017

V.Suseelamma

... Petitioner

-Vs-

1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai - 9.

2.The Secretary to Government,
Urban & Housing Development Dept.,
Fort St. George, Chennai - 9.

3.The Secretary to Government,
Rural Development & Panchayat Raj Dept.,
Fort St. George, Chennai - 9.

4.The Director of Town and Country Planning,
Anna Salai, Chennai - 2.

5.The Deputy Director of Town and Country Planning,
Salem Region, Salem-636 005.

6.The District Collector, Krishnagiri Dt.

7.The Member Secretary,
Hosur New Town Development Authority,
Hosur - 635 109.

8. P. Muniraj

... Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents Nos. 1 to 7 to take necessary action against the 8th respondent for promoting the unauthorised layout in S.No.721/1E1, 1D1A & 1D1B of Mathigiri Village Town Panchayat, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.Pandiyaa for
Mr.T.Sundaravadanam

For Respondents : Mr.U.Baranidharan, Government Advocate
for R1 to R5

Mr.S.Diwakar for R7

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus directing the respondents to act upon the representation made by the petitioner on 20.06.2017 wherein the petitioner has complained against the 8th respondent for promoting an unauthorized layout on the basis of obtaining an illegal patta in his favour after mutation of the revenue records.

2. Heard Mr.Pandiyaa, learned counsel appearing for the petitioner and Mr.U.Baranidharan, learned Government Advocate for the respondents 1 to 5 and Mr.S.Diwakar, learned counsel for the 7th respondent.

3. Learned Counsel appearing for the 7th respondent, based on the written instructions, submitted that, on going through the records, it was found that the patta stands in the name of the father of the 8th respondent and based on the same, the 8th respondent and the other legal heirs have dealt with the property and attempting to promote a layout. The learned counsel further submitted that the petitioner has to necessarily challenge the patta that was issued in favour of the father of the 8th respondent and get the same cancelled in the manner known to law. It was also submitted that till the same is done, the 7th respondent may not have any role to play insofar as the patta that was issued in favour of the father of the 8th respondent.



4. It is seen from records that, the petitioner has alleged that the 8th respondent has forcibly taken over the property and is promoting an unauthorized layout and he is misleading the people belonging to the locality. According to the petitioner, the subject property originally belonged to one Basavaraju and he had applied for subdivision and in Survey No.721/1D measuring an extent of 0.68 cents, nine plots were developed in the year 1981 and it was sold in favour of seven persons and they have taken possession of the property. Those persons are said to have executed a general Power of Attorney in favour of the petitioner and her husband and also executed an agreement of sale. In the meantime, the father of the 8th respondent had managed to get the patta during the UDR scheme in Patta No.518 and after his demise, his legal heirs have dealt with the property and got patta in their favour and they are attempting to promote an unauthorized layout.

5. In the considered view of this Court, if the petitioner is aggrieved by the grant of patta in favour of the 8th respondent and other legal heirs, the petitioner has to necessarily submit appropriate application before the concerned revenue authorities seeking for cancellation of patta and work out her remedy. The layout is said to have been promoted by the 8th respondent only based on the patta and unless this patta is cancelled, there is no scope for directing the seventh respondent or other respondents to consider the representation made by the petitioner. In fact, the respondents 1 to 3 are unnecessary parties in this writ petition. Therefore, except clarifying to this extent, no further orders can be passed in the present writ petition. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

KST



To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai - 9.
2. The Secretary to Government, Urban &
Housing Development Dept.,
Fort St. George, Chennai - 9.
3. The Secretary to Government,
Rural Development & Panchayat Raj Dept.,
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4. The Director of Town and Country Planning,
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Salem Region, Salem-636 005.
6. The District Collector, Krishnagiri Dt.
7. The Member Secretary,
Hosur New Town Development Authority,
Hosur - 635 109.

+1CC to Mr.T.Sundaravadanam, Advocate, SR.No. 40006
+1CC to The Government Pleader, SR.No. 40034

W.P.No.10419 of 2017

KG(CO)
B.VC (27/08/2021)