



WEB COPY

**W.P.(MD)No.1082 of 2021**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH  
AND  
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.1082 of 2021  
and W.M.P. (MD) Nos.937 & 938 of 2021**

(Through Video Conferencing)

K.Vijayan : Petitioner

Vs.

1.The Commissioner  
Dindigul Corporation,  
Dindigul.

2.The Inspector of Police,  
Dindigul South Police station,  
Dindigul.

3.C.Deepa : Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1<sup>st</sup> respondent dated 18.12.2020 in Na.Ka.No.8617/2020/F2 and quash the same and consequently direct the 1<sup>st</sup> respondent to restore the gate illegally removed from the petitioner's residential area.

For Petitioner : Mr.R.Suresh  
For Respondents : Mr.K.M.Muthu for R2  
Additional Government Pleader  
Mr. J.Lawrance  
Standing Counsel for R1

**ORDER**

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition challenging the order dated 18.12.2020, by which, the President of the Association was informed to remove the gate put up blocking the public road.



2.The learned counsel for the petitioner submitted that the gate has been put up by spending money by all the residents living within the approved lay out.

3.The learned counsel for the Corporation submitted that at the time of approving the lay out, the road has been handed over to the Corporation. This was blocked by the residents seeking to use the same for their own purpose. That is the reason why the impugned order was passed. Now, the said blockage has also been removed.

4.We do not find any merit in this writ petition. Once a lay out is approved, by handing over the portion of the land for the public use and thereafter it has been converted to a road, vesting takes place. Its condition attached to the approval of the plan without the said purpose being done, there would not be any approval of the lay out plan. Having got the benefit in getting the plan approved, it is not open to the beneficiaries to take the said land back to be used for any other purpose. Now road has been laid and has become a public road. Thus, we do not find any reason to interfere with the order impugned. Accordingly, the writ petition stands dismissed. However, we make it clear that if the third respondent has involved in any illegal activities or unauthorised construction, it is open to the petitioner to take action in the manner known to law. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner  
Dindigul Corporation,  
Dindigul.



2.The Inspector of Police,  
Dindigul South Police station,  
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate ( SR-2279[F] dated 27/01/2021 )

+1 CC to M/s.SPL GP ( SR-2144[F] dated 27/01/2021 )

+1 CC to M/s.R.SURESH, Advocate ( SR-1954[F] dated 25/01/2021 )

Order made in  
**W.P. (MD)No.1082 of 2021**

Dated: 25.01.2021

ES (CO)  
NR (09/02/2021) 3P : 6C