



WEB COPY

W.P.(MD).No.3700 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.3700 of 2019

and

W.M.P (MD) .Nos.2909 and 2910 of 2019

Nagarajan

.. Petitioner

Vs

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Municipal Administration and
Water Supply Department,
fort St.George, Chennai - 600 009.
2. The Special Commissioner,
Town and Country Planning Department,
No.607, Anna Salai, Chennai.
3. The District Collector,
Dindigul District, Dindigul.
4. The Director of Town and Country Planning,
O/o. the Town and Country Planning,
Nearby Kurinji Lodge,
Dindigul.
5. The Tahsildar,
Dindigul West, Jail Road,
Dindigul District.
6. The Commissioner,
Dindigul Panchayat Union,
Dindigul District.
7. M.Kamaraj

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the respondents 1 to 6 particularly the 6th respondent resulting in passing the impugned order of the 6th respondent dated 23.05.1994 passed in Mu.Mu.No.2649/94/A3 and quash the same and directing the respondents 1 to 6 to ensure that there



should not be any encroachment on the land to an extent of 10813 sq.ft. comprised in S.Nos.574/1 and 574/5 which is earmarked for public purpose to the residents of E.B.Colony situated at Chettynaickenpatti Village, Dindigul West Taluk, Dindigul by making an appropriate action to keep this land intact as public purpose.

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For Petitioner : Mr.R.Murali

For respondents : Mr.R.Baskaran,
Standing Counsel for
Government
for R1to R5
Mr.V.S.Kishore Kumar for R7
Mr.S.Angappan for R6

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Murali, learned counsel appearing for the petitioner; Mr.R.Baskaran, learned Government Counsel appearing for the respondents 1 to 5; Mr.V.S.Kishore Kumar, learned counsel appearing for the seventh respondent and Mr.S.Angappan, learned counsel appearing for the sixth respondent.

2. This writ petition has been filed challenging an order dated 23.05.1994, by which, the approved layout plan has been revised.

3. It is the submission of the learned counsel appearing for the petitioner that originally the area was earmarked for a public purpose and that can never be changed.

4. Such a broad parameter cannot be accepted because, a site reserved for public purpose can be used for various purpose. Unless and until, it is specifically shown that it is the area for or a road and the same has been gifted in favour of the local body, such area cannot be changed. From the approved layout plan it is not very clear as for what public purpose the area was reserved. But, however in respect of one of the drawing, it is shown as area of the shop. If the public purpose site is for a shop or a school site or a commercial complex and there are no takers for a reasonable length of time, then the promoter of the layout is empowered to apply for revised lay out plan to convert the areas into plots. Precisely this appears to have been done and the layout promoter has obtained an order to the said layout_on 23.05.1994, after which transactions were taken place in the year 2008.

5. The present attempt of the petitioner by filing the writ petition in the year 2019, questioning the revised approved layout



plan granted on 23.05.1994, cannot be entertained. Therefore, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar(CS)

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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 Secretary,
State of Tamil Nadu
Municipal Administration and
Water Supply Department,
fort St.George, Chennai - 600 009.
2. The Special Commissioner,
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O/o. the Town and Country Planning,
Nearby Kurinji Lodge,
Dindigul.
5. The Tahsildar,
Dindigul West, Jail Road,
Dindigul District.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-21116[F] dated 05/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-21122[F] dated 05/07/2021)

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DKS (CO)

KB(09.07.2021) 3P 9C