



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P (MD)No.5714 of 2014

T.Villavan Kothai

... Petitioner

vs.

1.The District Collector,
Madurai, Madurai District.

2.The Commissioner,
Madurai Corporation, Madurai.

3.The Chief Town and Country Planning Officer,
Madurai Corporation, Madurai.

4.Vairam Constructions,
Represented by its Proprietor,
Vairam Garden,
Sambakulam, K.Pudur,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the objections raised by the petitioner before scrutinizing the application given by the fourth respondent herein, for the building plan approval or otherwise for lands in S.No.118/14, measuring extent of 59 cents situated in Tallakulam, Madurai North Taluk, Madurai, as per the existing rules and regulations based on the petitioner's representation, 28.02.2014 and to ensure that public pathway in existence are not altered.

For Petitioner	:	Mr.V.R.Shanmuganathan for Mr.AL.Kannan
For R1 & R3	:	Mr.N.Satheesh Kumar Additional Government Pleader
For R2	:	Mr.R.Murali Standing Counsel
For R4	:	Mr.Prabakaran

O R D E R

The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the first - third respondent to consider the objections raised by the petitioner before scrutinizing the application given by the fourth respondent for the building plan approval or otherwise for the lands in S.No.118/2014, measuring 59



cents in Tallakulam in Madurai, in accordance with the representation, dated 28.02.2014.

2.Heard, Mr.V.R.Shanmuganathan, learned Counsel appearing for the petitioner, Mr.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 and 3, Mr.R.Murali, learned Standing Counsel appearing for the second respondent, and Mr.J.Prabakaran, learned Counsel appearing for the fourth respondent.

3.It appears that the petitioner, had been involved in the development of substantial area of plan measuring about 59 cents in Tallakulam, Madurai, some time back. Towards such development it is imperative that a gift deed is given for common usage like putting up a park or sometimes also putting up a road used by the public used for common facilities.

4.In this case, lands have been gifted and they have been earmarked for roads. It is the specific statement made across the bar by Mr.R.Murali, learned Standing Counsel for the second respondent that the road has been built that it has been used by the general public that street lights have been put, that in all respects it is a road as on date. It is necessary for the plan to be approved by the Corporation.

5.The grievance of the petitioner probably is that the lands have been gifted and in that deed, probably his interest has been adversely affected, but this Court can never redress such grievance.

6.As on date, even according to the petitioner, approval had been granted for construction he had put up a multi-storied building. He had also gifted lands as road for plan approval on the eastern side of his buildings and the same was also accepted by the second respondent. Primarily, conditions for any gift is that there should be a donor and there should be a donee. And more importantly, the donee should accept the gift. All these factors are found in the instant case. I find no reason, why the writ petition still pending on the file of this Court.

7.This Writ Petition stands dismissed. No further orders can be passed. No costs.

Sd/-

Assistant Registrar (CS-I)

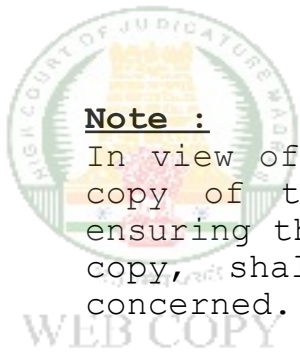
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/ /2021

Sub Assistant Registrar(CS)

lr/sn

<https://hcservices.ecourts.gov.in/hcservices/>



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 District Collector,
Madurai, Madurai District.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Chief Town and Country Planning Officer,
Madurai Corporation,
Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-37252[F] dated 03/12/2021)

+1 CC to M/s.J.PRABAKARAN, Advocate (SR-37346[F] dated 03/12/2021)

+1 CC to M/s.SPL GP (SR-37217[F] dated 03/12/2021)

ORDER MADE IN
W.P(MD)No.5714 of 2014
02.12.2021

NSN (CO)
GC(10.12.2021) 3P 7C