



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.1819 of 2022
in WMP. Nos.1957 to 1959 of 2022

- 1.R.Manjunath
- 2.S.Ramakrishna
- 3.N.Ramesh
- 4.Captain M Surya Prakash

All represented by their power agent
P.Narayanan

...Petitioners

Vs

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Collector,
Krishnagiri District, Krishnagiri-635 001.
- 3.The Member Secretary,
HNTDA-Hosur, New Town Development Authority,
Hosur, Krishnagiri District 635 109.
- 4.The Commissioner,
Hosur Corporation, Hosur,
Krishnagiri District 635 109.
- 5.The Sub Registrar,
Kelamangalam, Krishnagiri District 635 110.
- 6.The Superintendent of police,
Krishnagiri, Krishnagiri District 635 001.
- 7.The Inspector of Police,
Mathigiri, Hosur,
Krishnagiri District 635 109.
- 8.The Sub Registrar,
Hosur, Krishnagiri District - 635 109.

...Respondents



Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Call for the records made in impugned notice dated 26.07.2021 in Na.Ka No.2460/ 2021/ F1 passed by the 4th respondent and quash the same consequently direct the 5th respondent to remove and strike of any restriction to entertain registration with regard to the property earmarked as School property in the DDTCP approved layout bearing approval No.96/1980 measuring 11 600 sq.ft. comprised in S.Nos. 714 715/1 723/A and 723/B new S Nos.723/B6A 723/1A1A1A1A and 723/B1A1 earlier called as Tamil Nadu Sericulture employees Nagar now called as Deepam Nagar situated at Mathigiri Village Hosur Krishnagiri District.

For Petitioner : Mr. P.Srinivasan

For Respondents : Mr. Yogesh Kannadasan RR1,2,3,5,6,7 & 8
Spl. GP
Mr.N.Subbarayalu R4

ORDER

This writ petition is filed seeking to quash the proceedings of the 4th respondent dated 26.07.2021 in Na.Ka No.2460/ 2021/ F1 passed by the 4th respondent and consequently, direct the 5th respondent to remove and strike of any restriction to entertain registration with regard to the property earmarked as School property in the DTCP approved layout bearing approval No.96/1980 measuring 11, 600 sq.ft. comprised in S.Nos. 714, 715/1, 723/A and 723/B new S. Nos.723/B6A, 723/1A1A1A1A and 723/B1A1 earlier called as Tamil Nadu Sericulture employees Nagar now called as Deepam Nagar situated at Mathigiri Village, Hosur, Krishnagiri District.

2. The case of the petitioner is that the larger extent of land comprised in S.Nos.714, 715/1 part, 723/A1 part and 723/B ad-measuring 3.13 Acres situated at Mathigiri Village, Hosur was developed into a housing site duly approved vide DTCP Approval No.96/1980. There are 39 housing plots and the area earmarked for primary school purpose is a saleable area. Hence, the area earmarked for school purpose measuring an extent of 11,600 sq. ft. comprised in S.Nos.714, 715/a, 723/A & 723/B, New S.No.723/A1A & 723/B situated at Mathigiri Village, Hosur, Krishnagiri District, SRO, Kelamangalam, DTCP approval No.96/1980 was sold to the petitioners vide registered sale deed document No.2462/1997. Thereafter, revenue records were duly mutated in favour of the petitioners and issued separate patta bearing Nos.709, 6865 and 6959.



3. When the petitioners went to register a MOU and a General Power of Attorney, the 5th respondent informed that the 4th respondent directed not to entertain any kind of encumbrance over the school property because it is a public land vide an impugned dated 26.07.2021. Challenging the same, the present writ petition has filed before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that the area is earmarked for usage of the public primary school, which is a saleable area as it does not come under amenities, as per Section 2(2) of Tamil Nadu Town & Country Planning Act 1971. As per the lay out, the said earmarked area can be sold to any private purchaser. The petitioners jointly purchased the property for running a primary school. However, the said document was not entertained by the 5th respondent, which is not sustainable one. Hence, this Court may issue a direction to the 5th respondent to entertain the said document and pass appropriate orders within the stipulated time as fixed by this Court.

5. The learned counsel for the 4th respondent submitted that as per the DTCP approval, the disputed property has been allotted only for the purpose of usage of public school and it is saleable land, which can be sold to private parties. But the purchaser can use the said property only for the usage of the school. There is no grievance for the respondents if the petitioners will use the land only for the usage of the school.

6. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and the learned counsel for the 4th respondent and perused the materials available on record.

7. The facts of the case are not in dispute. Admittedly, the petitioners jointly purchased the property measuring to an extent of 11,600 sq. ft. comprised in S.Nos.714, 715/a, 723/A & 723/B, New S.No.723/A1A & 723/B, which was earmarked by the CMDA for the usage of school purpose, situated at Mathigiri Village, Hosur, Krishnagiri District, SRO, Kelamangalam, DTCP approval No.96/1980 vide registered sale deed document No.2462/1997. The disputed property was allotted for school purpose/public purpose and the said area is saleable area. The purchaser has to utilize the property only for school purpose and not any other purpose. It is also evident that the third respondent, while granting DTCP approval, clarified that the said land is saleable area and it has to be utilised only for school purpose. As per the lay out, the said land is earmarked for public usage.



8. The learned counsel for the petitioner fairly submitted that the said area was purchased only for the usage of school. Considering the facts and circumstances of the case and the undertaking given by the petitioners, this Court passes the following orders:

i. The petitioners are directed to present the document along with the undertaking affidavit stating that the property will be utilised only for the school purpose;

ii. After receipt of such affidavit, the 5th respondent is directed to entertain the document and pass appropriate orders in terms of the order passed by the third respondent dated 31.08.2018 on merits and in accordance with law within a period of twelve weeks from the date of receipt of filing of the affidavit.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Rli

To

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Collector,
Krishnagiri District, Krishnagiri-635 001.
- 3.The Member Secretary,
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- 4.The Commissioner,
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6.The Superintendent of police,
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7.The Inspector of Police,
Mathigiri, Hosur,
Krishnagiri District 635 109.

8.The Sub Registrar,
Hosur, Krishnagiri District - 635 109.

+1cc to Mr.P.Srinivasan, Advocate SR. No.23466
+1cc to Mr.N.Subbarayalu, Advocate SR. No.23739
+1cc to Government Pleader SR. No.24156

WP.No.1819 of 2022

RK (CO)
PR (02/05/2022)