



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.3104 OF 2022

Muhammedha

.. Petitioner

Vs.

1. The Block Development Officer,
Panchayat Union,
Udumalpet,
Tirupur District.

2. The President,
Periyakkottai Panchayat,
Udumalpet,
Tiruppur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 19.07.2021 for grant of regularization in respect of the property bearing S.No.142/B2 to an extent of 23.70 cents, Udumalpet Village & Taluk, Tiruppur District, within the time stipulated by this Court.

For Petitioner : Mr.N.Umapathi

For R1 : Mr.M.Rajendiran

For R2 : Mr.M.N.Balakrishnan

O R D E R

This Writ Petition is filed by the petitioner, seeking for a direction to the 2nd respondent to consider his representation for grant of regularization in respect of the property bearing S.No.142/B2, within the time stipulated by this Court.



2. According to the petitioner, she is the owner of the property bearing S.No.141 and S.F.No.142/B2, measuring an extent of 8 Acres situated at Udumalpet Taluk, Tirupur District. She, having purchased the above said property by the deed of sale registered as Document No.1110 of 2010 from one Maideen Basha, through his Power of Attorney viz., Karunakaran, approached the 2nd respondent for regularization of the plot. The Secretary of the 2nd respondent orally informed the petitioner that her application for regularization can be considered only after the promoters gift the common area to the 2nd respondent Panchayat. According to the petitioner, promoters have gifted common area to an extent of 127.93 Cents by the gift deed dated 01.12.2020 to the 2nd respondent. In spite of the same, the 2nd respondent has not regularized the plot. The petitioner has given representation dated 19.07.2021 for grant of regularization of the plot purchased by him, enclosing copy of the gift deed dated 01.12.2020. Since no order is passed, she has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the 1st respondent as well as the 2nd respondent and perused the entire materials available on record.

4. The petitioner is seeking regularization of plot purchased by her as per provisions of the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017. The 2nd respondent has not passed any order on the representation given by the petitioner. Considering the above materials, it is suffice to direct the 2nd respondent to consider the representation of the petitioner dated 19.07.2021 on merits and in accordance with law, taking into consideration the gift deed dated 01.12.2020, executed by the promoters in favour of the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

gsa



To

1. The Block Development Officer,
Panchayat Union,
Udumalpet,
Tirupur District.

2. The President,
Periyakkottai Panchayat,
Udumalpet,
Tiruppur District.

+1cc to M/s.N.Umapathi, Advocate, S.R.No.23893

+1cc to M/s.M.N.Balakrishnan, Advocate, S.R.No.24041

W.P.No.3104 of 2022

EV(CO)
RLP(27/04/2022)