



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)No.7355 of 2022**

**and W.M.P. (MD) .No.5582 of 2022**

WEB COPY

K.Gandhi

.. Petitioner

Vs

1.The Assistant Director,  
Town and Country Planning Department,  
Office of the Town and Country Planning Department,  
Pudukottai.

2.Packialakshmi

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 1<sup>st</sup> respondent from in any manner grant any permission or passing any orders for Regularization of lay out the plots in respect of the petitioner above said property comprised in Survey No.18/7B situated at Mattur Village, Kulathur Taluk, till the outcome of suit in O.S.No.192/1993 on the file of II Additional Sub Court, Trichy and also final orders in the petitioner Revision Petition in Na Ka No.22409/2018/T5, pending on the file of the District Revenue officer, Pudukkottai.

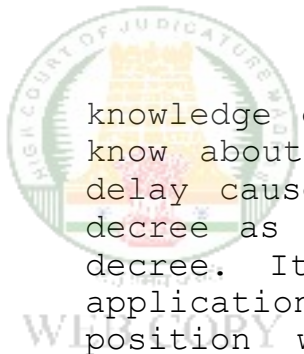
For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.B.Saravanan for R1  
Additional Government Pleader

**ORDER**

This writ petition has been filed for a Mandamus seeking to forbear the 1<sup>st</sup> respondent from in any manner grant any permission or passing any orders for Regularization of lay out of the plots in respect of the property comprised in Survey No.18/7B situated at Mattur Village, Kulathur Taluk, till the outcome of suit in O.S.No.192/1993 on the file of II Additional Sub Court, Trichy and also final orders in the petitioner Revision Petition in Na Ka No.22409/2018/T5, pending on the file of the District Revenue officer, Pudukkottai.

2.The grievance of the petitioner in this writ petition is that though the petitioner is the absolute owner of the property, the second respondent, who is his mother-in-law and the mother of his deceased wife is attempting to obtain regularization of lay out approval in respect of the property based on ex-parte decree granted in her favour by a Civil Court. It is the contention of the petitioner that the said ex-parte decree was not brought to the



knowledge of the petitioner earlier, but immediately on coming to know about the same, he has filed an application to condone the delay caused in filing the application to set aside the ex-parte decree as well as filed an application to set aside the ex-parte decree. It is the contention of the petitioner that both the applications were allowed by the Civil Court and the original position with regard to the petitioner's ownership has been restored. As on date, according to the petitioner, the second respondent has no legal right over the subject property, which is exclusively owned by the petitioner, having purchased the same in the year 1985. The petitioner has produced a communication, dated 24.01.2022, sent by the first respondent to the petitioner, seeking for certain clarification with regard to the regularization of lay out approval sought for by the second respondent pertaining to the subject property. Only under those circumstances, this writ petition has been filed on an apprehension that the second respondent will obtain regularization of lay out approval for the property owned by the petitioner behind his back.

3.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the first respondent.

4.On instructions, the learned Additional Government Pleader, appearing for the first respondent would submit that the regularization of lay out approval sought for by the second respondent has now been rejected. The same is recorded.

5.Since the application for regularization of layout approval has already been rejected, the apprehension expressed by the petitioner in this writ petition is no more there.

6.After recording the statement made by the learned Additional Government Pleader, on instructions from the first respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

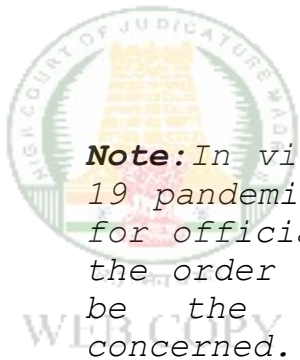
Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

TM



**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

The Assistant Director,  
Town and Country Planning Department,  
Office of the Town and Country Planning Department,  
Pudukottai.

+1 CC to M/s.SPL.GP ( SR-20113[F] dated 21/04/2022 )

**W.P. (MD)No.7355 of 2022**

**20.04.2022**

SS/06.05.2022 : 3P/3C