



W.P(MD).No.12308 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.12308 of 2014

and

M.P(MD) No.1 of 2014

M/s.Pothupanithurai Nagar
Matrum Nanjikottai Vooratchi Makkal
Munnetra Sangam,
a Registered Association,
Registered as No.108/2013,
Represented by its President,
Mr.S.Pandithurai,
S/o. Subramanian,
Having Office at Plot No.13,
P.W.D.Nagar,
Pudukkottai Road,
Thanjavur – 613 005,
Thanjavur District.

... Petitioner

-VS-

1. The District Collector,
Collectorate,
Thanjavur District – 613 001.
2. The Superintendent of Police,
District Police Office,
Thanjavur.



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3. The District Registrar,
Office of the District Registrar,
Srinivasapuram,
Thanjavur – 613 009.

4. The Joint I Sub-Registrar,
Office of the District Registrar (Registration)
Sivagangai Park,
Thanjavur – 613 001.

5. The Tahsildar,
Office of the Tahsildar,
Thanjavur Taluk,
Thanjavur District – 613 001.

6. The President,
Nanjikottai Panchayat,
Thanjavur, Thanjavur District.

7. R.Seenivasan

8. A.Sheik Abdulla

9. S.Ramzan Beevi

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1, 3 and 4 to cancel the sale deeds executed by the 7th respondent in favour of the respondents 8 and 9 vide Document Nos.3953/2012 and 3954 of 2012 on the file of the fourth respondent in respect of Public Purpose Land in S.No. 131 and 130 /1, New S.Nos.131/47A, 131/47B and 131/47C at PWD Nagar, Nanjikottai Village, Thanjavur Taluk and furthermore direct the respondents 1 to 6 to use the above said Public Purpose land in S.No.131 and 130/1, New S.Nos.131/47A, 131/47B & 131/47C, A at PWD Nagar, Nanjikottai



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Village, Thanjavur Taluk, Thanjavur District, for public purpose alone which is earmarked and demarcated as public purpose in the layout approved by the sixth respondent's Resolution No.1 dated 13.12.1977 and not to use the same for any other purpose.

For Petitioner	: Mr.R.Rajaraman
For R-1 & R3 to R-5	: Mr.K.S.Selvaganesan Government Advocate
For R-2	: Mr.P.Kottaichamy Government Advocate (Crl side)
For R-6	: Mr.A.Baskaran Additional Government Pleader
For R-7	: Mr.B.Vijay Karthikeyan
For R-8 & R-9	: Mr.P.Sesubalan Raja

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus directing the Authorities under the Registration Act, to cancel the sale deeds said to have been executed by the 7th respondent in favour of the respondents 8 and 9 in Document Nos.3953/2012 and 3954/2012, which were registered on the file of the fourth respondent herein.



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2. According to the learned Counsel for the petitioner, a layout was created by way of approval made by the 6th respondent herein by its Resolution No.1, dated 13.12.1977 at PWD Nagar, Nanjikottai Village, Thanjavur Taluk. As per the layout approval, certain Survey Numbers were reserved for public purposes. However, in violation of the said layout approval, the layout promoter has executed a registered sale deed in favour of the 7th respondent herein, on 26.06.1982. Thereafter, the 7th respondent has executed a sale deed in favour of the respondents 8 and 9, on 24.01.2012. Hence, the petitioner has prayed for cancellation of the two sale deeds standing in the name of the respondents 8 and 9 herein and restore the public purpose land with the petitioner Association which is said to be managing the public lands at PWD Nagar.

3. The learned Counsel appearing for the 6th respondent had contended that they do have the copy of the layout approval, dated 13.12.1977, said to have been made as contended by the writ petitioner.

4. The learned Counsel appearing for the respondents 8 and 9 has pointed out that the promoter has sold the lands in favour of the 7th



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respondent, on 26.06.1982 which has not been challenged by the writ petitioner. However, the subsequent sale deed executed by the 7th respondent in favour of the respondents 8 and 9 alone are challenged by the writ petitioner. In case, if the writ petitioner is allowed, even then the lands in dispute would not be restored for public purpose but only go back to the 7th respondent herein.

5. The learned Counsel appearing for the respondents 8 and 9 further contended that the so called approval plan annexed in the typed set of papers is not a correct plan and according to him, it is an unapproved layout and promoter had reserved the same for personal use. Only the said lands have been sold by the promoter to the 7th respondent who in turn, sold to the respondents 8 and 9. Hence, he contended that the entire basis of the writ petition that the lands were allotted for public purposes has no basis whatsoever.

6. The learned Counsel for the respondents 8 and 9 has further contended that the 7th respondent has already executed a registered gift deed in favour of the 6th respondent Panchayat to an extent of 2400 square feet.



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In the said gift deed, he has mentioned that it is private patta land and hence, he contended that at no point of time, the survey numbers in dispute were allotted for public purposes.

7. I have carefully considered the submissions made on either side.

8. The petitioner had sought to cancel the two sale deeds said to have been executed in favour of the respondents 8 and 9 on the ground that though the properties were allotted for the public purposes at the time of approval of the layout for PWD Nagar. However, no official documents have been placed before this Court to establish the fact the relevant survey numbers were allotted for the public purposes at any point of time. Hence, the very basis, on which, the present writ petition has been filed is without any legal basis whatsoever. The private respondents have specifically contended that it is an unapproved layout and no land is reserved for public purposes and the survey numbers in dispute were retained to the promoter for personal use and thereafter, it was conveyed to the private respondents.



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9. In view of the disputed facts and in the absence of any official records to establish the fact of approval of layout and allotment of certain survey numbers for public purposes, this Court is not in a position to come to the rescue of the writ petitioner. This Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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