



W.P.No.2671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2671 of 2023

and

W.M.P.No.2772 of 2023

1.R.Kesava Moorthy

2.R.Sathasivam

3.R.Shamuga Sundaram

... Petitioners

Vs.

1.The District Collector,
Tiruppur District.

2.The Assistant Director (Land Survey and Records),
Tiruppur District.

3.The Block Development Officer,
Thekkalur Panchayat,
Avinashi Panchayat Union,
Avinashi Taluk, Tiruppur District.

4.The President,
Thekkalur Village Panchayat,
Avinashi Panchayat Union,
Tiruppur District.



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5.The Sub Registrar,
Avinashi Sub Registrar Office,
Tiruppur District.

6.R.Gopalaswamy

7.G.Santhosh

8.G.Revanth

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the 5th respondent from entertaining and registering any document executed by the respondent 6 to 8 in favour of any private parties in respect of lands measuring an extent of 3160 sq.ft earmarked/Reserved for public Purpose in the layout names as VIP Nagar, bearing plot No. 16 and 15 part situated in S.F. No. 419/1B1 Thekkalur Village.

For Petitioner	: M/s.R.Prabakar
For Respondents	:
(R1, R2 & R5)	: Mr.C.Jayaprakash Government Advocate.
(R.3 and R.5)	: Mr.M.S.Prem Kumar
(R.6 to R.8)	: Mr.N.Umapathi

ORDER

The relief sought for in the present writ petition is to forbear the 5th respondent from entertaining and registering any document executed by the respondents 6 to 8 in favour of any private parties in respect of lands



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measuring an extent of 3160 sq.ft earmarked/Reserved for public Purpose in the layout names as VIP Nagar, bearing plot No. 16 and 15 part situated in S.F. No. 419/1B1 Thekkalur Village.

2. The grievance of the writ petitioner is that the approved layout, approved by the Deputy Director, Town and Country Planning, Coimbatore, indicates that the plot Nos. 15(part) and 16 are earmarked for maintenance of park for the benefit of the people of that locality. Now the 6th respondent is attempting to sell the common area earmarked for maintaining park in that locality. In this regard, the writ petitioner has filed an objection before the 5th respondent Sub Registrar and no action has been taken by the authority and thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel appearing on behalf of the 4th respondent Avinashi Village Panchayat furnished a copy of the letter sent by the President / Executive Officer of Panchayat dated 13.02.2023 raising an objection for registering plot nos. 15 and 16 in the said layout. The objection letter was submitted to the Sub Registrar, Avinashi. It is further contended that the person who formed the layout has not gifted the



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common areas in favour of the Panchayat Union. Steps have to be taken to protect the common area which is to be maintained as a park for the benefit of the people of that locality as per the approved layout.

4. The learned counsel for the respondents 6 to 8 raised an objection that though the layout has been approved, the respondents 6 to 8 has raised an objection for conversion of the park area as saleable area. However, such application which is pending before the authorities cannot be considered in violation of the approval conditions granted by the authorities in the approval order.

5. As far as the objections raised by the Panchayat Union is concerned, the said objections are falling under Section 22(A) of the Registration Act since the land earmarked for maintenance of park is belonging to the State and thus, the Sub Registrar is directed to entertain the objections submitted by the Panchayat Union and act accordingly. Thus, the Sub Registrar cannot register any document in respect of plot No.15(part) and 16 as per the approved layout and the said area is to be maintained for the purpose of park.



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6. With these directions, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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To

1. The District Collector,
Tiruppur District.

2. The Assistant Director (Land Survey and Records),
Tiruppur District.

3. The Block Development Officer,
Thekkalur Panchayat,
Avinashi Panchayat Union,
Avinashi Taluk, Tiruppur District.

4. The President,
Thekkalur Village Panchayat,
Avinashi Panchayat Union, Tiruppur District.

5. The Sub Registrar,
Avinashi Sub Registrar Office,
Tiruppur District.



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S.M.SUBRAMANIAM. J.,

(sha)

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and

W.M.P.No. 2772 of 2023

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