



W.P.No.11416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11416 of 2023

M.P.Balasubramaniam

... Petitioner

-Vs-

1.The Block Development Officer
Ammappettai, Erode District.

2.The Deputy Director
Town and Country Planning Department
Chennimalai Road
Erode-638 009.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in Na.Ka.No.1919/2022/A2, dated 24.01.2023 and quash the same and consequently direct the respondents to grant regularization to the petitioner's Plot No.45 in Sendhur Nagar, located in R.S.No.130/3, Attavanaipudur Village, Erode District.

For Petitioner

Mr.N.Palanikumar

For Respondents

Mr.V.Veluchamy
Additional Government Pleader
for R1

Mr.A.M.Ayyadhurai
Government Advocate
for R2



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ORDER

Considering the limited issue involved in this writ petition, the main writ petition itself is taken up for final hearing on consent given by both sides.

2.The petitioner has assailed the proceedings of the 1st respondent in Na.Ka.No.1919/2022/A2, dated 24.01.2023 and has sought for a consequential direction to the respondents to grant regularization to the petitioner's Plot No.45 in Sendhur Nagar, located in R.S.No.130/3, Attavanaipudur Village, Erode District.

3.Heard Mr.N.Palanikumar, learned counsel for the petitioner, Mr.V.Veluchamy, learned Additional Government Pleader for R1 and Mr.A.M.Ayyadurai, learned Government Advocate for R2.

4.The case of the petitioner is that the petitioner along with three others jointly purchased Plots in Sendhur Nagar, through a registered Document No.1267/11. Thereafter, on 30.08.2011, the petitioner and three others divided the property amongst themselves through a registered partition deed dt. 30.08.2011, registered as Document No.2291/2011. The petitioner was allotted 'C' schedule property which is now identified as Plot No.45 in Sendhur Nagar.

5.The further case of the petitioner is that Plot Nos.47 and 48 also formed part of the same larger extent of property within the same layout and when regularization was applied by



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by the respective owners, the regularization was granted by the 1st respondent through proceedings dated 31.5.2022. Therefore, the learned counsel submitted that the petitioner satisfies the requirement under G.O.Ms.No.78 dated 04.05.2017 and comes within the definition of a plot holder and that apart, already regularization has been given to the adjacent lands viz., Plot Nos.47 and 48. Aggrieved by the same, the present writ petition has been filed before this Court.

6. On carefully going through the impugned proceedings of the 1st respondent dated 24.01.2023, it is seen that the request made by the petitioner for regularization was rejected mainly on the ground that the petitioner is tracing the title to the property not by virtue of a sale deed but through a partition deed. In view of the same, the 1st respondent has come to a conclusion that the petitioner is not a plot holder satisfying the requirements in the relevant Government Order and Notification.

7. The term 'plot holder' has been defined under Rule 2(12) of the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 and the same is extracted hereunder:

(12) "Plot holder" means a person in whose name the plot is registered with a registered sale deed or title deed executed on or before the 20th October, 2016.

8. A careful reading of the above definition shows that the term "plot holder" will take within its fold both persons who have purchased the plot through a registered sale deed or



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through any title deed executed on or before 20.10.2016. Even a partition deed will satisfy the requirement of a title deed. Admittedly in this case, the partition deed is dated 30.08.2011 and it is well within the time prescribed in the above definition. Therefore, the 1st respondent was not right in rejecting the application submitted by the petitioner for regularization on the ground that the petitioner does not have a sale deed in his favour. Such interpretation given by the 1st respondent goes against the very definition of a plot holder under the relevant Rules.

9. Apart from the above reason, there is yet another important factor to be taken into consideration. The 1st respondent has already granted regularization to Plot Nos.47 and 48 through proceedings dated 31.05.2022. These two Plots also falls within R.S.No.130/3. The Plot belonging to the petitioner also falls within R.S.No.130/3. Therefore, it makes no sense to regularize two adjacent Plots and not grant regularization for Plot No.45, which belongs to the petitioner.

10. In the light of the above discussion, this Court has absolutely no hesitation to interfere with the impugned proceedings of the 1st respondent in Na.Ka.No.1919/2022/A2, dated 24.01.2023 and accordingly, the same is hereby quashed. There shall be a direction to the 1st respondent to deal with the application submitted by the petitioner and if the petitioner has satisfied all the other requirements, grant regularization to the petitioner's Plot No.45 in Sendhur Nagar. This process shall be completed by the 1st respondent within a period of **four weeks** from the date of receipt of copy of this order.



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10In the result, this writ petition is allowed in the above terms. No costs.

13.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

To

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Ammapettai
Erode District.

2.The Deputy Director
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N.ANAND VENKATESH, J.

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