



W.P. No. 13699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 13699 of 2023

and

W.M.P. No. 13371 of 2023

M.Geetha
W/o. N.Mohan
Represented by her power agent
Mohan
Son of Narayanan

... Petitioner

-VS-

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building No. 1,
Gandhi Irwin Road,
Egmore, Chennai.
2. The Commissioner,
Greater Chennai Corporation,
Chennai.
3. The District Revenue Officer/Assistant Commissioner,
Zone-2 (manali),
Greater Chennai Corporation,
Chennai – 600006.
4. The Assistant Engineer,
Zone-2,
Greater Chennai Corporation,
Chennai.
5. Vadivelu



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6. V.Selvakumari

7. A.Theerthy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Third Respondent in M.A. 2. Na. Ka. No. 3067/2023 dated 10.03.2023 and quash the same and direct the First to Third Respondents to cancel the housing layout approval granted in favour of the Fifth to Seventh Respondents in layout Approval No. LA/WDCNO2/00013/2022 dated 30.06.2022 in respect of lands comprised in Survey No. 81/2A2A1, 2B1A, 2B2B, 2B1B and 2B2 situated at Mathur Village, Madhavaram Taluk, Chennai District.

For Petitioner : Mr. D.Bennington

For Respondents : Mr. Y.Bhuvanesh Kumar (for R1)

Ms. P.T.Rama Devi (for R2 to R4)

Mr. R.Ravichandran (for R5 to R7)

ORDER

Heard Mr. D.Bennington, Learned Counsel for the Petitioner, Mr. Y.Bhuvanesh Kumar, Learned Counsel for the First Respondent, Ms. P.T.Rama Devi, Learned Counsel for the Second to Fourth Respondents



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and Mr. R.Ravichandran, Learned Counsel for the Fifth to Seventh Respondents

and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that her property measuring an extent of 2790 sq.ft. of land has been wrongfully included by the Third Respondent while granting lay-out approval for the land measuring an extent of 2.45 acres in Survey Nos. 81/2A2A1, 2B1A, 2B2B, 2B1B, 2B2, Mathur Village, Madhavarm Taluk, Chennai District showing it as road on 30.06.2022 in furtherance to the application made by the Seventh Respondent as Power of Attorney holder of the Sixth Respondent. This Court by order dated 02.09.2022 in the Writ Petition in W.P. No. 23627 of 2022 filed by the Petitioner directed the Third Respondent to pass orders on the representation dated 12.07.2022 made by the Petitioner for revocation of planning permission under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971, within a period of six weeks from the date of receipt of its copy.

3. The Third Respondent by Proceedings in M.A.2. Na. Ka. No. 3067/2023 dated 10.03.2023 has rejected the said claim made by the Petitioner in his representation dated 12.07.2022 by pointing out that the patta said to have been



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obtained by her for the property has been cancelled by the revenue authorities.

WEB.COM The said order is challenged in this Writ Petition.

4. It is evident that the nature of relief claimed by the Petitioner falls within the realm of disputed questions of fact, which cannot be effectively determined by this Court in proceedings under Article 226 of the Constitution following summary procedure. It must be recapitulated here that the Hon'ble Supreme Court of India in the decision in **Roshina T. -vs- Abdul Azeez K.T.** [(2019) 2 SCC 329] has cautioned that such claims relating to property rights would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court. That apart, it is settled position of law that the revenue records cannot confer title to the property, which has to be proved by the parties before the Civil Court as held by the Hon'ble Supreme Court of India in **P.Kishore Kumar -vs- Vittal K. Patkar** (Order dated 20.11.2023 in Civil Appeal No. 7210 of 2011). In such circumstances, the Petitioner has not been impeded from canvassing what is sought to be agitated in this Writ Petition in the said remedy and there is no acceptable explanation from the Petitioner for not having availed it. It would obviously follow that it is only in the event that the Petitioner first establishes her title to the property claimed against the Fifth to Seventh Respondents before the civil court that she



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could seek for cancellation of the lay-out approval granted for the property by the Third Respondent. In that view of the matter, this Court is not inclined to entertain this Writ Petition or delve into the merits of the controversy involved.

In the result, the Writ Petition is disposed with the aforesaid observations.

Consequently, the connected Miscellaneous Petition is closed. No costs.

22.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

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To

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Egmore, Chennai.
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P.D. AUDIKESAVALU, J.

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