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W.P.No.22585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22585 of 2022

and

W.M.P.Nos.21619 & 21622 of 2022

Rahamathullah

... Petitioner

Vs.

1.The Deputy Director,
Directorate of Town & Country Planning
Zonal Office, Vellore Zone and District,
Presently under the jurisdiction of Ranipet District
Bifurcated from Vellore District, Vellore.

2.The Director,
Directorate of Town and Country Planning,
D.M.D.A. Building,
Koyambedu, Chennai.

3.The Commissioner,
Arcot Municipality,
Arcot – Ranipet District.

4.M/s. Sameera Land Developers Pvt. Ltd.,
Rep., by its Chairman,
No.6/11, Mahalingam Street,
Mahalingapuram, Chennai – 600 034.

5.B.Thiruselvam

6.J.Murugesan



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7.The Sub Registrar,
Arcot.

(R7 Suo moto impleaded vide order dated 26.08.2022)

... Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Ceriorari, calling for the records comprised in the proceedings of the third respondent bearing Na.Ka.No.5882/2005-F1 dated 20.01.2020 and quash the same.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mrs.R.Anitha, for RR1, 2 & 7
Special Government Pleader
Mr.B.Anand, for R3
Mr.S.Namsivayam, for R4
Mr.A.Muthusubramaniam, for RR5 & 6

ORDER

A Writ of Certiorai is sought by the petitioner herein to quash the proceedings of the third respondent bearing Na.Ka.No.5882/2005-F1 dated 20.01.2020.

2. The main grievance of the petitioner is that the subject land in S.Nos.778/1 and 778/3 measuring an extent of 5.46 acres and 22.46 acres respectively were purchased by the petitioner's grandfather during his life time in the Court auction in C.S.No.81 of 1934 and the sale certificate was issued in his favour on 24.09.1947. However, recently the petitioner noticed that there were activities



around the petitioner's land and on further investigation, he came to know that the impugned order has been passed by the fourth respondent granting approval for the lands. Hence, the writ petition has been filed.

3. Challenging the grant of approval before the respondent, when the writ petition came before this Court on 13.12.2022, this Court directed the petitioner to produce the evidence relating to taking delivery of the property, based on the so called sale certificate and the matter was adjourned to 09.01.2023. On 09.01.2023, when the matter came up before this Court, a lame excuse was given by the petitioner and no documents are forthcoming either to prove the delivery or to show that the petitioner was in possession of the property all these years. Again the matter has been adjourned today. Today also similar representation has been made by the petitioner, as if, they are searching for such documents.

4. This Court is of the firm view that seeking an adjournment in this matter is only to avoid the adverse orders. This Court *prima facie* finds that this is nothing but a speculative litigation. If the petitioner is in possession of the property from the year 1947, the basic requirement of the petitioner is to show some semblance of right by way of revenue records but no such document has filed. It is the contention of the learned counsel appearing for the petitioner that because of the drought, agricultural



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operation was stopped for more than 20 years in that area. However, only recently they came to know about the document. Such contention, in the view of this Court is untenable. It is against the normal human conduct. If any person is owner of such huge extent of land, his normal conduct would not permit others to interfere and to make huge development in that area.

5. In such view of the matter, as the authorities have considered the documents of the respondents and granted a plan approval, the same cannot be challenged, if at all the petitioner still wants to establish his title, he has to approach the civil Court for establishing it. Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

31.01.2023

Index :Yes/No
Speaking Order / Non-Speaking Order

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N.SATHISH KUMAR, J.

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