



W.P. No. 29676 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

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

W.P. No. 29676 of 2022

and

W.M.P. No. 29064 and 29065 of 2022

S.P. Kulandaivel

... Petitioner

-VS-

1. The Secretary to the Government,
Housing and Urban Development,
Secretariat,
Chennai.
2. The Director,
Town and Country Planning,
E & C, Market Road,
Koyambedu, Chennai.
3. The Deputy Director,
Town and Country Planning,
Kumaran Shopping Complex,
1st Floor, Corporation Building,
Near Railway Station,
Tiruppur.
4. The District Collector,
Tiruppur,
Tiruppur District.
5. The Executive Officer,
Jothampatti Village Panchayat,
Panchayat Office Road,
Thiruppur District.



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6. The President,
Jothampatti Village Panchayat,
Tiruppur District.

7. P.Balasubramaniam

8. S.N. Gunasekaran

9. B.Sarojini

10. S.Mehala

11. B.Malarvilli

12. A.Manikandan

13. P.A.Kandhavel

14. S.Kuppusamy Gounder

15. A.S.Narayanan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certorari, to call for the records of order dated 26.02.2021 vide proceedings in Na.Ka.No. 4112/2020/TCP3 on the file of Second Respondent in converting the reserved site into house sites in respect of Layout Approval Plan bearing No. Ma.Va. Na.Uu.E. No. 258/2004 and also the clarification letter dated 29.06.2015 vide letter No. 10972/UD4-3/2015-2 on the file of First Respondent and quash the same.

For Petitioner : Mr. K.Myilsamy

For Respondents : Mr. U.Baranidaran
Additional Government Pleader
(for R1 to R6)



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Mr. G. Karthikeyan
for M/s. A. Jagadeeshwaran (for R7)

No appearance (for R10 to R12)

Not ready in notice
(for R8, R9, R13, R14 and R15)

ORDER

Heard Mr. K.Myilsamy, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First to Sixth Respondents and Mr. G.Karthikeyan, Learned Counsel for the Seventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging Proceedings in Na. Ka. No. 4112/2020/TCP3 dated 26.02.2021 issued by the Second Respondent converting the reserved site into house sites in respect of layout approval plan bearing No. Ma. Va. Na. Uu. E. No. 258/2004 and also the clarification Letter No. 10972/UD4-3/2015-2 of the First Respondent,

3. As it has been cautioned by the Hon'ble Supreme Court of India in the decision in *Roshina T. -vs- Abul Azeez K.T.* [(2019) 2 SCC 329], that disputed



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questions of fact relating to the property rights must not to be determined in proceedings following summary procedure under Article 226 of the Constitution of India and it would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the said remedy, and he has made an endorsement to that effect in the Court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petitions are closed. No costs.

30.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

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To

1. The Secretary to the Government,
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Secretariat,
Chennai.



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P.D. AUDIKESAVALU, J.

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