WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.32474 of 2022 and W.M.P.No.31895 of 2022
and
W.P.No.33786 of 2022 and W.M.P.Nos.33292 & 33294 of 2022
and
W.P.No.716 of 2023 and W.M.P.Nos.651 & 652 of 2023

**W.P.No.32474 of 2022:**

N.Manjunath ... Petitioner

Vs

1.The District Collector,
Collectorate,
Krishnagiri, Krishnagiri District.

2.The District Revenue Officer,
Collectorate, Krishnagiri,
Krishnagiri District.

3.The Revenue Divisional Officer,
Office of the Sub Collector,
Denkanikotta Road,
Hosur.

4.The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.


https://www.mhc.tn.gov.in/judis

WEB COPY



5.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.

6.The Member Secretary,
Hosur New Town Development Committee,
District Town Planning Office,
Hosur, Krishnagiri District.

7.Harish
8.Prabhu ... Respondents

**PRAYER** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records connected with the impugned report of the 4th respondent in Na.Ka.No.3494/2022/A2 dated 05.05.2022 and quash the same.

For Petitioner : Mr.Ravikumar Paul
Senior Counsel
for M/s.Paul and Paul

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 to R6

: Mr.M.S.Krishnan
Senior Counsel
for Mr.R.Sagadevan for R7 and R8

**W.P.No.33786 of 2022:**

B.Subramani ...Petitioner

Vs


https://www.mhc.tn.gov.in/judis

WEB COPY



1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.

2.The Joint Director,
Town and Country Planning,
2nd, 3rd & 4th Floor,
C & E Market Road,
Koyambedu, Chenai – 600 107.

3.The Assistant Director,
District Town & Country Planning,
No.25/2, Nethaji Road,
Hosur – 635 109.

4.The Commissioner,
Municipal Corporation,
Hosur – 635 109.

5.G.R.Anand Babu
6.V.Ramachandra Babu
7.A.Harish
8.P.Usha ... Respondents

**PRAYER** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to cancel the layout approval having reference No.Na.Ka.No.24504/2021/TCP-7, dated 13.09.2022 in light of Rule-6 of the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner : Mr.Ravikumar Paul
Senior Counsel
for M/s.Paul and Paul


https://www.mhc.tn.gov.in/judis

WEB COPY



For Respondents : Mr.T.Arunkumar
Addl. Government Pleader for R1 to R3

: Mr.T.Balaji for R4

: Mr.M.S.Krishnan, Senior Counsel
for Mr.R.Sagadevan for R5, R7 and R8

**W.P.No.716 of 2023:**

N.Manjunath ...Petitioner

Vs

1.The Commissioner,
Hosur City Municipal Corporation,
Bangalur Road,
Opposite to Thillai Nagar,
Hosur – 635 109.

2.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.

3.The Deputy Director,
Krishnagiri District Town and Country Planning Office
No.25/2, Nethaji Road,
Hosur – 635 109.

4.G.R.Anand Babu

5.Harish

6.Prabhu ... Respondents


https://www.mhc.tn.gov.in/judis

WEB COPY



**PRAYER** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in respect of the order passed by the 1st respondent in Na.Ka.No.7654/2022/F1 dated 20.12.2022 and quash the same, consequently direct the 2nd respondent to cancel the layout approval having reference No.Na.Ka.24504/2021/TCP-7 dated 13.09.2022 in accordance with Rule -13 of the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner : Mr.Ravikumar Paul
Senior Counsel
for M/s.Paul and Paul

For Respondents : Mr.T.Arunkumar
Addl. Government Pleader for R2 & R3
: Mr.T.Balaji for R1
: Mr.M.S.Krishnan, Senior Counsel
for Mr.R.Sagadevan for R4to R6

**COMMON ORDER**

The writ petitions have been filed challenging the validity of the order passed by the Tahsildar in proceeding dated 05.05.2022. Applications are filed seeking approval of layout which was granted by the authorities. Subsequently, the writ petitioners have raised objections pursuant to the directions issued by this Court and are claiming title over the subject property. It is not in dispute that civil suits have been instituted in O.S.No.72 of 2022 on the file of the Principal District Court at Krishnagiri and O.S.No.66 of 2022 on the file of the Additional District Judge, Hosur. Both the suits are pending.


https://www.mhc.tn.gov.in/judis

WEB COPY



2. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision is taken by the competent authorities are in consonance with the statues and rules but not the decision itself.

3. In the present case, layout approval has been granted and thereafter an objection has been raised by the writ petitioners on the ground that they are the absolute owners of the portion of the property. When a title dispute has been raised between the parties, neither the Writ Court nor the revenue authorities or the other Government authorities will be in a position to declare the title or grant relief to any one of the parties. Disputed issues regarding civil rights are to be adjudicated before the competent Civil Court of Law based on the documents and evidences by conducting a full-fledged trial. A roving enquiry cannot be conducted by the High Court in a writ proceedings. Since the parties have already instituted suits, they are at liberty to establish their respective cases before the competent Civil Court of Law.


https://www.mhc.tn.gov.in/judis

WEB COPY



4. The respective learned Senior Counsel appearing on behalf of the parties made a submission that there is a possibility of negotiation, if so the parties are at liberty to resolve the issues if they are otherwise willing to do so. There is no bar for settling the issues even during the pendency of the suit. Under these circumstances, all the grounds raised in the writ petitions are left open to the parties to adjudicate the same before the competent Civil Court of Law. The revenue documents would not confer title to any of the parties. Parties are bound to establish their respective cases based on the original documents and evidences available on record. However, those documents which all are admissible under Section 35 of the Indian Evidence Act may be relied for the purposes contemplated under Section 35 of the Indian Evidence Act. All other interim reliefs or other reliefs are to be sought for by the respective parties, if required, by filing interlocutory applications or otherwise. Even regarding the orders passed by the competent authorities of the Government, the petitioners are at liberty to seek appropriate relief in the pending suit.

5. In view of the fact that the parties are raising certain apprehension about the development of the subject properties, in the event of filing any


https://www.mhc.tn.gov.in/judis

WEB COPY



interlocutory applications, the Civil Court, in which the suits are pending, shall adjudicate the issues and dispose of the same, without granting any unnecessary adjournments to any of the parties, as expeditiously as possible preferably within a period of three months from the date of admission of the interlocutory applications.

6. With the above directions, all the Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

To

1.The District Collector,
Collectorate,
Krishnagiri, Krishnagiri District.

2.The District Revenue Officer,
Collectorate, Krishnagiri,
Krishnagiri District.



https://www.mhc.tn.gov.in/judis

WEB COPY



3.The Revenue Divisional Officer,
Office of the Sub Collector,
Denkanikotta Road, Hosur.

4.The Tahsildar,
Taluk Office, Hosur, Krishnagiri District.

5.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.

6.The Member Secretary,
Hosur New Town Development Committee,
District Town Planning Office,
Hosur, Krishnagiri District.

7.The Joint Director,
Town and Country Planning,
2nd, 3rd & 4th Floor,
C & E Market Road,
Koyambedu, Chenai – 600 107.

8.The Assistant Director,
District Town & Country Planning,
No.25/2, Nethaji Road,
Hosur – 635 109.

9.The Commissioner,
Hosur City Municipal Corporation,
Bangalur Road, Opposite to Thillai Nagar,
Hosur – 635 109.

10.The Deputy Director,
Krishnagiri District Town and Country Planning Office
No.25/2, Nethaji Road, Hosur – 635 109.


https://www.mhc.tn.gov.in/judis

WEB COPY



S.M.SUBRAMANIAM, J.

Sgl

W.P.No.32474 of 2022 and
W.P.No.33786 of 2022
and W.P.No.716 of 2023

21.06.2023


https://www.mhc.tn.gov.in/judis