



W.P.No.34992 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.No.34992 of 2022

R.Devadoss

... Petitioner

Versus

1. The Member Secretary  
Chennai Metropolitan Development Authority  
No.1, Gandhi Irwin Road, Egmore  
Chennai – 600 008

2.The Commissioner  
Kattankalathur Panchayat Union  
Chengalpattu Taluk and District

3.Sivashankar Real Estate Pvt Ltd  
Rep by its Managing Director  
Mr.A.Sivashankar  
No.1/460, Mount-Poonamalee Road  
Ayyappanthan  
Chennai – 600 056

4. A.T.Viswanathan

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.L1/17334/2019 dated 10.11.2022, quash the same and consequently direct the first respondent to revoke the land layout Plan No.PPD/LO No.56/2019 dated 30.04.2019, PPD 68/2021 and PPD 60/2022.



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W.P.No.34992 of 2022

For Petitioner : Mr.K.M.Balaji  
For Respondents : Mr.Karthik Jeganathan for R2  
Government Advocate  
Mr.C.Manohar for R1  
for CMDA

### **ORDER**

This petition has been filed challenging the Letter in Letter No.L1/17334/2019 dated 10.11.2022 issued by the first respondent, quash the same and consequently direct the first respondent to revoke the land layout Plan No.PPD/LO No.56/2019 dated 30.04.2019, PPD 68/2021 and PPD 60/2022.

2. The case of the petitioner is that the third respondent have obtained a layout permission vide layout Plan No.PPD/LO No.56/2019 dated 30.04.2019, PPD 68/2021 and PPD 60/2022. It is the case of the petitioner that the properties in Survey Nos.13/1 extent of 0.71 cents, 14 extent of 0.69 cents, 15/2 extent of 0.64 cents, 21/1 extent of 1.34 Acres of Kolapakkam Village (Present) Vandalur Taluk, Chengalpattu District belong to the petitioner.

3. The third respondent being the adjacent land owners, during the year 2013, started developing their lands measuring 17.62 acres and according to the



W.P.No.34992 of 2022

petitioner, while submitting the application for the above layout approval, the third respondent had forged the signature of the petitioner and had obtained the approval including the petitioner's land. Thereafter, the third respondent has also obtained a General Power of Attorney from the petitioner vide Doc.No.4049/2019 dated 29.03.2019 and further, the third respondent has executed a Gift Deed in favour of the local authority for formation of the road. Only after, the petitioner came to know about the forgery committed by the third respondent, he immediately revoked the above Power of Attorney on 27.05.2019 vide Doc.No.6716 of 2019 and also filed a suit in OS.No.167/2019 before District Munsif Court at Chengalpet. Therefore, it is the contention that the petitioner has given a representation to the respondents on 18.07.2022 seeking to cancel the layout plan granted by the authorities. However, the same has been rejected. Challenging the said rejection, the petitioner has come up with this writ petition.

4. The learned counsel for the petitioner mainly contended that the application filed seeking approval of layout contains false information, in fact, the signature of the petitioner and others were forged. Thereafter, the layout has been approved. He also submitted that one of the person, who had already died



W.P.No.34992 of 2022

during the year 2015, his signature is also shown, as if, he is alive in the year 2017 and filed an application. Therefore, the layout approval granted by the authorities is liable to be set aside.

5. Heard Mr.C.Manohar, learned counsel taking notice for the first respondent; Mr.Karthik Jaganathan, learned counsel taking notice for the second respondent and Mr.K.M.Balaji, learned counsel for the petitioner and perused the materials placed on record.

6. On a threadbare analysis of the case file, it appears that the layout plan is approved in layout Plan No.PPD/LO No.56/2019 dated 30.04.2019, PPD 68/2021 and PPD 60/2022.The only grievance of the petitioner is that his lands have been gifted to the local authorities on the strength of the General Power of Attorney granted in favour of the third respondent. The execution of the above Power of Attorney in favour of the third respondent is not disputed by the petitioner. Now, the allegation pressed into service is that the signature found in the application seeking layout approval is not of the petitioner. Therefore, the entire layout plan has to be cancelled.



W.P.No.34992 of 2022

7. It is relevant to note that the property has been gifted to the local authority only on the strength of the General Power of Attorney executed by the petitioner in favour of the third respondent. Admittedly, a Civil Suit in O.S.No.167/2019 is pending before the District Munsif Court at Chengalpet, where the signature, as alleged by the petitioner, result of the forgery or not is a matter of evidence. Such disputed fact cannot be gone into in this writ petition. Such view of the matter, merely on the premise with the allegations of forgery, this Court is of the view that the entire approved plan cannot be set aside. The petitioner having filed a suit will have to establish his case and prove that his signature is forged. In the event, the Civil Court comes to the conclusion that the documents are resultant of the forgery, the petitioner is certainly entitled to retrieve his land as per the decision of the Civil Court. Therefore, I do not find any merits in the case and the same is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. No costs.

02.01.2023

Index : Yes/No  
Internet: Yes/No  
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W.P.No.34992 of 2022

**N. SATHISH KUMAR, J.**

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To

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