



W.P(MD)No.6605 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.6605 of 2023

S.Mariselvam

:Petitioner

.VS.

- 1.The Director,
The Town and Country Planning Office,
E & C, Commercial Compound,
Koyembedu,
Chennai.
- 2.The Assistant Director,
The District Town and Country Planning Office,
Theni District.
- 3.C.Anandhamurugan
- 4.N.Murugan
- 5.P.Muniyandi
- 6.R.Palanichamy
- 7.Jeyaganesan
- 8.Karthikeyan
- 9.Malini
- 10.C.Narmatha
- 11.K.Venniladevi
- 12.M.Kumar

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to conduct enquiry on sale deeds in Document No. 1046/2021 dated 10.02.2021, Document No.1047/2021, dated 10.02.2021, Document No.1048/2021, dated 10.02.2021, Document No. 3699/2021 dated 30.06.2021, Document No.3870/2021 dated 07.07.2021, Document No.6528/2021 dated 02.11.2021, Document No. 6529/2021 dated 02.11.2021, Document No.7048/2021 dated 25.11.2021, Document No.4410/2022 dated 14.07.2022 on the file of 1st and 2nd respondent based on the petitioner's complaint dated 04.03.2023 and proceed in accordance with law.

For Petitioner	:Mr.V.Kishore Kumar
For R1 & R2	:Mr.P.Thilak Kumar Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the writ petition reads as follows:-

“Directing the second respondent to conduct enquiry on sale deeds in Document No.1046/2021 dated 10.02.2021, Document No.1047/2021, dated 10.02.2021, Document No. 1048/2021, dated 10.02.2021, Document No.3699/2021 dated 30.06.2021, Document No.3870/2021 dated



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07.07.2021, Document No.6528/2021 dated 02.11.2021, Document No.6529/2021 dated 02.11.2021, Document No. 7048/2021 dated 25.11.2021, Document No.4410/2022 dated 14.07.2022 on the file of the respondents 1 & 2 based on the petitioner's complaint, dated 04.03.2023 and proceed in accordance with law.”

2. The grievance of the petitioner is that the lands which were purchased as agricultural lands by various purchasers under various sale deeds mentioned in the prayer above are being put to commercial use. The petitioner, therefore, wants an enquiry to be conducted on the sale deeds by the Director, Town and Country Planning, Chennai and the Assistant Director, District Town and Country Planning, Theni. The whole prayer is misconceived. The user of the land is totally different from title. If a person having a title to agricultural land commits a violation of the Town and Country Planning Act, by using the land for non-agricultural purpose the same may constitute a violation of the provisions of the Town and Country Planning Act. Such user by itself will not affect his title to the said lands. We find that the petitioner is not very clear about what he wants. If he wants cessation of commercial user, he should have approached the concerned authority or seek appropriate



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writ of mandamus. The current prayer will not satisfy the object of the petitioner. Moreover the planning authorities cannot go in to the validity of the sale deeds. Reserving liberty to the petitioner to approach the concerned authority for cessation of commercial user of the land, the writ petition is dismissed. No costs.

[R.S.M.,J.] & [L.V.G.,J.]
27.03.2023

Index: Yes/No
Internet: Yes/No
am

To

1. The Director,
The Town and Country Planning Office,
E & C, Commercial Compound,
Koyembedu,
Chennai.
2. The Assistant Director,
The District Town and Country Planning Office,
Theni District.



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R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

am

ORDER MADE IN
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27.03.2023