



*W.P.(MD) No.12888 of 2020*

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 21.06.2023**

**CORAM**

**THE HONOURABLE Ms.JUSTICE P.T.ASHA**

**W.P.(MD) No.12888 of 2020**

**K.Seethalakshmi**

**... Petitioner**

**/vs./**

1.The District Collector,  
Collector Office,  
Thanjavur District.

2.The Deputy Director of Town and Country Planning,  
No.33, 4<sup>th</sup> Rajappa Nagar,  
Medical College Road,  
Thanjavur District.

3.The District Revenue Officer,  
Collector Office,  
Thanjavur District.

4.The Village Administrative Officer,  
Poondi – II,  
Thanjavur District.

**5.G.K.Seetharaman**

**... Respondents**



*W.P.(MD) No.12888 of 2020*

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent 1 to 4 to consider the petitioner's representation dated 27.06.2020 and to forbearing the 5th respondent from converting from agriculture land into layout comprised in Sr.No.323/6A1A, 323/6A1B, 323/5, totally 3Acre 76 cents in revenue village Poondi-II, Thanjavur District.

For Petitioner : Mr.A.Senthilkumar

For R1 to R4 : Mr.T.Amjadkhan  
Government Advocate

For R5 : Mr.P.Thiagarajan

### **ORDER**

The above writ petition is filed for the issue of a Writ of Mandamus directing the respondent 1 to 4 to consider the petitioner's representation dated 27.06.2020 and forbearing the fifth respondent from converting the agricultural land into layout comprised in S.Nos.323/6A1A, 323/6A1B and 323/5, measuring an total extent of 3 acre and 76 cents in Poondi-II, Thanjavur District.

2.The petitioner has questioned the conversion of the agricultural land into a layout on the basis that the provision of G.O.(Ms) No.79, Housing and Urban



W.P.(MD) No.12888 of 2020

Development (UD4(3)) Department, dated 04.05.2017 has not been followed. She would submit that even few months before the order approving the layout, the lands were being cultivated and paddy was being grown. Therefore, it is her contention that the agricultural lands in which cultivation is being continued have been converted which is in violation of the Rules provided by this notification, namely Rule 6 (1)(e) and 6(2)(i) and (iv).

3.The fifth respondent has filed a counter *interalia* contending that the provisions of all the necessary sanctions had been obtained including that contemplated under G.O.(Ms) No.79, Housing and Urban Development (UD4(3)) Department, dated 04.05.2017. The layout has already been formed. The fifth respondent has also submitted that he intends to retain the agricultural flavour of the lands and plans to develop an old age home surrounded by these agricultural lands. He would submit that the writ petition is without any basis.

4.In the suit filed by the petitioner in O.S.No.92 of 2018, she had filed an interlocutory application in I.A.No.101 of 2018 for an interim injunction, in which the property that is the subject matter of this writ petition has not been



*W.P.(MD) No.12888 of 2020*

included in the partition suit. The fifth respondent has also produced the text of the layout approval which clearly shows that the conditions prescribed in G.O. (Ms) No.79, Housing and Urban Development (UD4(3)) Department, dated 04.05.2017 have been followed and thereafter the layout was approved.

5.In the light of the above, I see no reason to entertain the writ petition and grant the relief claimed. Consequently, the Writ Petition is dismissed. However, it is open to the petitioner to challenge the approval, if so required. No costs.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No

**21.06.2023**

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To

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4/6



*W.P.(MD) No.12888 of 2020*

WEB COPY

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*W.P.(MD) No.12888 of 2020*

**P.T.ASHA, J.**

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