



W.P.(MD) No.22115 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.22115 of 2021

and

W.M.P.(MD) No.18709 of 2021

J.Janaf Syed Malukku Methar

.. Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Director of Town and Country Planning,
Tenkasi District,
Tenkasi.

3.The District Registrar of Registration,
O/o. District Registrar,
Tenkasi Registration Department,
Tenkasi.

4.The Sub-Registrar,
Vasudevanallur Sub-Registrar Office,
Sivagiri Taluk, Tenkasi District.

5.Ramzan Begum

6.Mejak

7.Yobu



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8.Esaak

9.Mookandi

10.Aaron

11.Kasirajan

12.Dhanaraj

13.Selvakumar

14.Jegadees

15.Kailasam

16.Rajadurai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing the respondents from making layout plots of house sites with respect to the 1.90 acres covered in S.Nos.835/1A, 835/1B, 835/4, 835/5, 835/6, 835/7 and 85 cents covered in S.Nos.838/3 and 839/1, in Thirumalapuram village in Sivagiri Taluk in Tenkasi District, by registering under the Registration Act against the provisions of Town and Country Planning Act and Tamil Nadu Combined Development and Building Rules and Registration Act, without remaining the cloud of title created by these respondents 5 to 16.

For Petitioner : Mr.F.X.Eugene

For RR1 to 4 : Ms.D.Farjana Ghoushia
Special Government Pleader

For R5 : Mr.T.Selvan

For RR6 to 16 : No appearance



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ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus, forbearing the second respondent from granting permission for laying plots in the subject property, based on the applications submitted by the private respondents.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner has already filed a suit before the competent civil Court and that the plaint was returned on the ground that the Court did not have the jurisdiction. This order has been put to challenge before this Court in C.R.P(MD).No.1037 of 2020 and the same is pending. In the meantime, attempts were being made by the private respondents to get permission to form a layout in the subject property. It is under these circumstances, the present Writ Petition has been filed before this Court.



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4. Taking into consideration the facts and circumstances of the case, it will suffice if a direction is issued to the second respondent to deal with the objections made by the petitioner, as and when application is given by the private respondents for forming a layout in the subject property. The same shall be dealt with by the second respondent on its own merits and in accordance with law and a decision shall be taken.

5. This Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.11.2023

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

ssb



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N. ANAND VENKATESH, J.

ssb

To

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Tenkasi District,
Tenkasi.
- 2.The Director of Town and Country Planning,
Tenkasi District,
Tenkasi.
- 3.The District Registrar of Registration,
O/o. District Registrar,
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Tenkasi.
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