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W.P.No.11394 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11394 of 2010 and
MP.No.1 of 2020

M.K.Sakthivel

... Petitioner

Vs.

- 1.The Director of Municipal Administration,
Chepauk, Chennai-5
 - 2.The Managing Director,
Metropolitan Transport Corporation,
Palavan Salai, Chennai-2
 - 3.The Executive Officer,
Manali Municipality,
Manali, Chennai-38
 - 4.The Commissioner,
Corporation of Chennai,
Chennai-3
 - 5.The Tahsildar,
Thiruvottiyur Taluk,
Thiruvottiyur, Chennai-19
- (respondents 4 & 5 impleaded as per order
dated 19.03.2014 made in MP.No.1 of 2014
in WP.No.11394 of 2010)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents not to take over the land measuring 376 sq.m. in S.No.191/1 of Manali Village, Madhavaram Taluk, Trivellore District belonging to the



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petitioner without following due process of law.

For Petitioner : Mr.R.Dhamodaran

For Respondents

For R1 & 5 : Mr.S.J.Mohamed Sathik,
Government Advocate

For R2 : Mr.C.Gauthamaraj

For R4 : Mr.G.T.Subramanian,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents not to take over the land admeasuring 376 sq.mtrs. in survey No.191/1 of Manali Village, Madhavaram Taluk, Tiruvallur District.

2. The case of the petitioner is that his father and paternal aunt jointly owned the land comprised in survey No.191/1 of Manali Village, Madhavaram Taluk, Tiruvallur to an extent of 1.67 acres. They jointly sold a major portion of the land leaving some extent to the legal heirs. It was lying adjacent to the bus terminal at Nedunchezhian Salai, Manali. Further, the third respondent was gradually increasing the boundaries of the bus terminal and encroached the land which was left out by the land



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owners in survey No.191/1. Therefore, the petitioner had taken steps to demarcate the balance extent of the land available in survey No.191/1 in the month of October 2009. He found that the entire extent of the land was encroached by the respondents by putting some construction for bus stand. Therefore, the petitioner submitted representation to the respondents not to take over the land admeasuring 376 sq.mtrs comprised in survey No.191/1 of Manali Village, Madhavaram, Tiruvallur District.

3. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

4. It is seen that now the said Manali village is coming under the Corporation of Chennai. On joint inspection made by the respondents 4 & 5 found that the petitioner's father and his paternal uncle without obtaining layout approval, sub-divided into house plots and sold out to third parties. However, some of the portion of land which was left out without selling has been used by the purchasers and the general public as approaching road to the Manali bus stand. Further, as per the guidelines for regularisation of unapproved individual plots and the unapproved



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layout, the reservation of land for open space reservation shall be provided by amalgamating or alternating the unsold plots to an extent not less than 10% of the total area of unsold plots. However, it would not be essential to provide 10% of the unsold plot area in a layout in one contiguous stretch or in definite dimension. All the roads and open space reservation area in the layout as shown in the layout framework shall be deemed to have been vested with the concerned local authority. Accordingly, the vacant plot which was left out without selling has been used as road by the purchasers of the plots as well as the general public to reach the Manali bus stand.

5. That apart, the subject land which is claimed by the petitioner, though stands in the name of the petitioner's father and paternal uncle, it is being used as road to Manali bus stand by the general public as well as the purchasers of the respective plots. As per the subdivision in survey No.191/1A1A1A1A part, timekeeper room was constructed and also constructed passengers' shelter along with fountain. The petitioner is being a jobless person, after demise of his father and paternal uncle, utilising the said circumstances, now claims the land



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which was left out in his favour without sale. The subject land which was left out by the petitioner's father and paternal uncle was only for the purpose of regularising the unapproved layout and sold out the plots in favour of third parties. That apart, the petitioner did not even state sub division of the survey numbers and boundaries of the subject land. Therefore, the petitioner without knowing anything, simply had attempted to throw some stone to achieve something illegally. The total extent of the land comprised in survey No.191/1 of Manali village is to an extent of 0.67.0 hectares. In order to regularise the unapproved layout, 10% of the land should be handed over to the local body and it comes to 670 sq.mtrs. Therefore, whatever the land remains unsold, now it is vested with the fourth respondent and it is now used as road for use of general public.

6. In view of the above, the writ petition itself is devoid of merits and the same is liable to be dismissed. Accordingly, this writ petition is dismissed. The fourth and fifth respondents are directed to mutate the revenue records in respect of the land comprised in survey



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No.191/1A1A1A1A in favour of the fourth respondent within a period of two weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
1.The Director of Municipal Administration,
Chepauk, Chennai-5
2.The Managing Director,



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G.K.ILANTHIRAIYAN, J.

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