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W.P.Nos.20376 and 20379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

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

W.P.Nos.20376 and 20379 of 2024

D.Karunanidhi ... Petitioner **in W.P.No.20376 of 2024**

D.Kamalashree ... Petitioner **in W.P.No.20379 of 2024**

-Vs-

1. District Collector,
Villupuram- 605 602.
2. The Commissioner Of Municipality,
Municipality Office, Villupuram- 605 602.
3. The Director,
Directorate Of Town And Country Planning,
2nd, 3rd And 4th Floor,
C And E Market Road, Koyambedu,
Chennai-600 107.
4. The Deputy Director,
Town And Country Planning Department,
GST Salai,
Periyar Commercial Complex,
Chengalpattu- 603 001.
5. The Joint Director,
Town And Country Planning Department,
No.56/A, TAHDCO Building,
Government Hospital Road,
Villupuram- 605 602.



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6. The Block Development Officer,
Block Development Office,
Koliyanur, Villupuram Taluk,
Villupuram.

7. M.Arumugam

... Respondents **in both W.Ps**

Prayer in W.P.No.20376 of 2024: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to cancel the layout approval issued in DTCP No.1025 of 1990 in favour of 7th Respondent based upon the petitioner's representation dated 04.01.2024 and release the petitioner's land comprised in Survey No.51/8 B1,A1,A1 in Panampattu village, Villupuram Municipality from the preview of the above said layout approval.

Prayer in W.P.No.20379 of 2024: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to cancel the layout approval issued in DTCP No.1025 of 1990 in favour of seventh Respondent based on the petitioner's representation dated 04.01.2024 and release the land comprised in Survey No.52/1A, 52/1B in Panampattu village, Villupuram Municipality from the preview of the above said layout approval.

In both W.Ps

For Petitioners	: Mr.V.Chandraprabu
For R1 to R5	: Mr.N.Naveen Kumar Government Advocate
For R6	: Mr.S.Rajesh Government Advocate
For R7	: Mr.C.Iyyaparaj

COMMON ORDER



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These writ petitions have been filed for direction directing the respondents to cancel the layout approval issued in DTCP No.1025 of 1990 in favour of 7th Respondent.

2. Heard both sides and perused the materials available on record.

3. The 7th respondent is a developer of the land comprised in S.Nos.33/11, 12A to 12G, 50/4A, 51/3, 4A, 51/4B, 6A, 6B1, 6B2, 7, 8B, 9, 52/1A, 1B, 1C, 2A1, 2A2, 2A3, 2A4, 2B, 2C, 4A, 4B and 6 situated at Panampattu village, Villupuram district. He had applied for layout approval before the fourth respondent in the year 1990.

4. A perusal of the layout approval also revealed that 10.09% of the total extent was earmarked for park, 1.27% of land was earmarked for shops. There were totally 134 house plots. Thereafter, the house plots were purchased by various parties and constructed their respective houses. Now, the petitioners are claiming that they are the absolute owners of their respective lands.

5. The petitioner in W.P.No.20376 of 2024, in order to develop the



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subject property approached the second respondent for certificate to show that the subject land has road access which is maintained by the second respondent.

Accordingly, he was issued with a certificate dated 12.09.2023. Thereafter, on 01.12.2023, the second respondent passed an order, thereby withdrawn the earlier certificate dated 12.09.2023, on the ground that the subject land is shown as open space (park) in the approved layout granted in DTCP No.1025 of 1990 in favour of 7th Respondent.

6. Therefore, the petitioners in both the writ petitions submitted representations dated 04.01.2024 to cancel the layout approval granted in favour of the 7th respondent and release the petitioners' land.

7. Admittedly, the petitioner in W.P.No.20376 of 2024 purchased the land comprised in Survey No.51/8, B1,A1,A1 in Panampattu village, Villupuram Municipality only in the year 2021. The land comprised in Survey No.52/1A, 52/1B in Panampattu village, Villupuram Municipality was settled in favour of the petitioner in W.P.No.20379 of 2024 by her husband in the year 2023. The subject lands were laid out in the year 1990 as DTCP No.1025 of 1990 on the file of the second respondent.

8. As stated supra, 10.09% of the total extent of the land ie., 44,049 sq.ft



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was earmarked for park and other public purpose such as road etc.,.

Accordingly, the road has been laid and the remaining land was earmarked for park. It was approved in the year 1990 and as such, no gift deed was executed in favour of the Municipality/Corporation in respect of the land which was earmarked for public purpose. The execution of gift deed arise only from the year 2011. Taking advantage of the same, some of the persons sold out the subject properties which was earmarked as park.

9. That apart, after a period of 34 years, the layout approval cannot be cancelled and the prayer sought for in these writ petitions cannot be considered and the writ petitions are devoid of merits and are liable to be dismissed.

10. Accordingly, these writ petitions are dismissed. No costs.

04.09.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To



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