



W.P.No.28286 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

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

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R.Goundampalayam Thirunagar Residents &
Plot Owners Welfare Association
Rep. By its President C.Ganesan,
No.3/42, Thirunagar, R.Goundampalayam,
Rasipuram, Namakkal District 637 408

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai 600 009
- 2.The Director,
Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor, C&E Market Road,
Koyambedu, Chennai 600 017
- 3.The Regional Deputy Director,
Town and Country Planning(Namakkal),
Door No.6/1217, Paramathi Road (South Side),
Namakkal 637 001
- 4.The District Collector,
District Collectorate,
Tiruchengode – Namakkal – Trichy Road,
Namakkal 637 001
- 5.The Sub-Registrar,
76-Kacheri Street,
Rasipuram Taluk,



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- Namakkal 637 408
- 6.The Tahsildar,
SH 79, VIP Nagar,
Rasipuram Taluk, Namakkal 637 408
- 7.The Block Development Officer,
Rasipuram,
Rasipuram Taluk, Namakkal 637 406
- 8.The Village Administrative Officer,
Rasipuram,
Rasipuram Taluk, Namakkal 637 406
- 9.The President,
Village President,
Goundampalayam Village,
Rasipuram Taluk, Namakkal 637 406
- 10.The Director,
Directorate of Survey and Settlement,
Central Survey Office, Survey House, PWD Estate,
Chepauk,
Triplicane, Chepauk, Chennai 600 005
- 11.The Assistant Director of Survey and Land Records,
Department of Survey, Collector Office,
Namakkal – 637 003
- 12.P.Arunvel
(respondents 10 & 11 impleaded vide order dated 28.08.2023
made in WMP.No.22274 of 2023 in WP.No.28286 of 2021)
(12th respondent impleaded vide order dated 11.09.2023 made
in WMP.No.30964 of 2022 in WP.No.28286 of 2021) ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue Writ of Mandamus directing the respondents 1 to 4 to
take into official records including revenue records, the common areas /



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public lands earmarked for the public in the layout comprised in Survey Nos.17 / 3, 4, 5, 14 & 23/1, 2, 6 in Thirunagar Colony, Goundampalayam Village, Rasipuram Taluk and accordingly commence the developmental works for providing basic amenities in the said layout such as laying tar roads, sewage systems, etc., within a time frame to be fixed by this Court.

For Petitioner : Mr.Vignesh Venkat

For Respondents

For R1 to 6,10,11 : Mr.V.Manoharan,
Additional Government Pleader

For R9 : Mr.P.Anandakumar,
Government Advocate

For R12 : Mr.T.V.Suresh Kumar
for M/s.Genicon and Associates

ORDER

This writ petition has been filed for direction to respondents 1 to 4 to take into official records including revenue records, the common areas / public lands earmarked for the public in the layout comprised in Survey Nos.17 / 3, 4, 5, 14 & 23/1, 2, 6 in Thirunagar Colony,



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Goundampalayam Village, Rasipuram Taluk and accordingly commence the developmental works for providing basic amenities in the said layout such as laying tar roads, sewage systems, etc., within a time frame to be fixed by this Court.

2. The case of the petitioner is that the members of the petitioner association are the owners of the individual plots in the layout called 'Thirunagar Colony' comprised in survey Nos.17/3, 17/4, 17/5, 17/14, 23/1, 23/2, 23/6 having purchased the same in the year 1993 to 1996 from the power of attorney of the original land owners i.e. Palanivel and Kannan. The power holder formed an unapproved layout and sold the plots therein. After purchase of the respective plots, they constructed their respective houses and assessed to property tax. The power of attorney had executed unregistered gift deed dated 20.12.2012 and conveyed the common areas which were earmarked for public utility in favour of the ninth respondent.

3. The main contention of the petitioner is that the land which



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is earmarked for road portion has been laid out and sold out.

4. On perusal of the status report filed by the third respondent, revealed that the lands comprised in survey Nos.17/3, 17/4, 17/5, 17/14, 23/1, 23/2, 23/6 situated at Thirunagar Colony, Goundampalayam Village, Rasipuram Taluk, Namakkal District was approved by the Regional Deputy Director of Town and Country Planning, Salem vide its communication dated 29.06.2018 in the light of the GO.Ms.No.78 & 172 Housing and Urban Development Department dated 04.05.2017 and 13.10.2017. It was also forwarded to the Block Development Officer, Rasipuram for regularisation of the plots whichever sold on or before 20.10.2016. The registration of unsold plots after 20.10.2016 is stopped and unsold plots remain kept for allocating open spaces upto an extent of 10% of unsold plot area. The sold plot framework is given based on the concept “as is where is” condition. The portion of the sold plots, unsold plots, internal roads were earmarked in the layout as on site condition without changing or altering the plots or roads in the lay out. Therefore, the stand of the petitioner is that the lands in survey Nos.17/3, 17/4, 17/5,



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17/14, 23/1, 23/2, 23/6 were not shown as common areas / public lands earmarked for the purpose of public in the layout.

5. In fact, in some of the sale deeds in adjacent layout, the land comprised in survey No.17/3 was shown as public road. Therefore, the twelfth respondent challenged those sale deeds in OS.No.90 of 2017 on the file of the District Munsif Court, Rasipuram for declaration declaring the land comprised in survey no.17/3 as road as null and void. The suit is pending for adjudication. Therefore, the writ petition itself lacks merits and the same is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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10.The Director,

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11.The Assistant Director of Survey and Land Records,

Department of Survey, Collector Office,
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G.K.ILANTHIRAIYAN, J.

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