



W.P.No.33069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33069 of 2024

S.Kumararaja

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by Principal Secretary to the Government,
Housing and Urban Development Department,
Secretariat, 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-600 107.

3. The Deputy Director,
District Town and Country Planning Office,
1st floor, Kumaran Commercial Complex,
Tiruppur-641 601.

4. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur-642 126.

.. Respondents



W.P.No.33069 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 27.06.2024 and regularize the plot measuring 3.02 cents in T.S.No.1/1J, Survey Ward G, Block No.10, Udumalpet Municipality, Udumalpet Taluk, Tiruppur District in favour of the petitioner.

For Petitioner : Mr.B.Anandan

For R1 : Mr.D.Veerasekaran

For R1 & R2 : Mr.T.Chandrasekaran, (Spl. G.P.)

For R4 : Mr.B.Anand

ORDER

The petitioner S.Kumararaja has filed the present writ petition ostensibly in the nature of mandamus seeking a direction against the respondents to consider his representation dated 27.06.2024 and regularise the plot measuring 3.02 cents in T.S.No.1/1J in Survey Ward G, Block No.10, Udumalpet Municipality, Udumalpet Taluk, Tiruppur District, in favour of the petitioner.



W.P.No.33069 of 2024

2. I had consciously used the word 'ostensibly' since, by way of seeking a mandamus, the petitioner who had purchased the land, which has been earmarked for the purpose of park, seeks indulgence of this Court to pass a direction against the respondents to consider his representation, which representation should not and could not and must not be considered.

3. Having purchased a land earmarked for the park and common area, the petitioner, through the back doors, seeks to regularise the same. If the respondents want to regularise the plot, they may do so independently, but not on the direction of this Court. The petitioner states that he is the absolute owner of the aforementioned property. He had purchased the said land by a sale deed dated 07.11.2003, which has been registered as document no.4757 of 2003 at the office of the Sub-Registrar, Udumalpet. The petitioner claims title to the same. He claims that he has been in absolute ownership and possession of the said property. He also claims that his name has been effected in the Town Survey Land Register and he has been paying the property tax regularly.



W.P.No.33069 of 2024

WEB COPY

4. The petitioner claims indulgence of G.O.Ms.No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017, which had been issued for regularising unapproved plots and layouts by notifying the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017. He contends that the Rule 5 of the said Rules, gives a provision wherein if an application has been filed, unapproved plots should be regularised. The petitioner claims that he had forwarded the representation, but since there was no reply, he had filed the present writ petition in the nature of mandamus.

5. But, however, on receipt of the representation, the respondents had issued a notice to the petitioner. According to them, the property purchased by the petitioner had been earmarked for the public purpose to be utilised for the purpose of a park. Once the petitioner was made aware of that particular fact, he had filed the present writ petition seeking regularisation of the land, which could not be regularised in his name, since he had no authority or right to purchase the property which was earmarked to be



W.P.No.33069 of 2024

converted as park for public purpose. It must be utilised only as a park for public purpose. I am not inclined to issue any mandamus.

6. With the above observations, the writ petition stands dismissed. No costs.

14.11.2024
(1/3)

Index:Yes/No
Internet:Yes/No

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To

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5/6



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W.P.No.33069 of 2024

C.V.KARTHIKEYAN,J.

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W.P.No.33069 of 2024

14.11.2024
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