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W.P.No.33072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM

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

W.P.No.33072 of 2024

G.Sagunthala

.. 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,
No.149/263, Dhali Road,
Udumalpet, Tiruppur-642 126.

.. Respondents



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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 representations of the petitioner, both dated 27.06.2024 and regularize the plots measuring 4.31 cents in New T.S.No.1/1H and 4.87 cents in New T.S.No.1/1G, both located within 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 G.Sagunthala has filed the present writ petition ostensibly in the nature of mandamus seeking a direction against the respondents to consider her representations, both dated 27.06.2024 and regularise the plots measuring 4.31 cents in New T.S.No.1/1H and 4.87 cents in New T.S.No.1/1G, both located within Survey Ward G, Block No.10, Udumalpet Municipality, Udumalpet Taluk, Tiruppur District, in



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favour of the petitioner.

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

3. Having purchased the lands 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 she is the absolute owner of the aforementioned property. She had purchased the said lands by the sale deeds dated 02.05.2011 & 05.06.2018, which have been registered as document nos.3954 of 2011 & 4459 of 2018 at the office of the Sub-Registrar, Udumalpet. The petitioner claims title to the same. She claims that she has been in absolute ownership and possession of the said properties. She also claims that her name has been effected in the Town Survey Land Register and she has been paying the property tax regularly.



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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. She 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 she had forwarded the representation, but since there was no reply, she had filed the present writ petition in the nature of mandamus.

5. But, however, on receipt of the representations, 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, she had filed the present writ petition seeking regularisation of the land, which could not be regularised in her name, since



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she had no authority or right to purchase the property which was earmarked to be 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
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Index: Yes/No
Internet: Yes/No

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To

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