



Rev.Aplw.(MD)Nos.99 and 100 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 20.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

Rev.Aplw.(MD)Nos.99 and 100 of 2022

and

W.M.P(MD)No.21393, 21394, 21395 & 21396 of 2022

Ishwarriya.G.T.

...Petitioner in both petitions

/Vs./

1.M.Jeyamuthu

2.M.Muthukumar

3.Hari Prasad

...R1 to R3 in Rev.Aplw(MD)No.99/22

1.M.Subbulakshmi

2.S.Meenakshi

3.B.Kalyani

4.M.Jeyamuthu

5.M.Thirumal

6.M.Nagalakshmi

7.M.Saraswathi

8.M.Subramani

...R1 to R8 in Rev.Aplw(MD)No.100/22

4.The District Collector,
Madurai,
Madurai District.

5.The Director,
Town and Country Planning,
Chennai.



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6.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

7.The Commissioner,
Madurai Corporation,
Madurai.

...R4 to R7 in Rev.Aplw(MD)No.99/22

...R9 to R12 in Rev.Aplw(MD)No.100/22

(R7 in Rev.Aplw(MD)No.99/22 & R12 in Rev.Aplw(MD)No.100/22 is suo motu impleaded vide Court order dated 01.12.2022.)

COMMON PRAYER: Petitions - filed under Order 47 Rules 1 & 2 r/w Section 114 of the Civil Procedure Code, to review the orders passed in WP(MD)No. 25228 & 25229 of 2022 dated 10.11.2022 and to dismiss the writ petitions.

For Petitioner : Mr.K.R.Laxman (in both petitions)

For Respondents : Mr.Prasanna Rajadurai

(Private respondents in both petitions)

Mr.A.Kannan

Additional Government Pleader

(R4 & R5 in Rev.Aplw(MD)No.99/22

R9 & R10 in Rev.Aplw(MD)No.100/22)

Mr.A.Kannan

(R7 in Rev.Aplw(MD)No.99/22

R12 in Rev.Aplw(MD)No.100/22)



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COMMON ORDER

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The review petitions have been filed challenging the orders passed by this Court in WP(MD)Nos.25228 & 25229 of 2022 dated 10.11.2022, wherein, this Court directed the respondents to release the lands, which were notified for acquisition, since the period of three years as contemplated under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 has already been over.

2. The learned counsel appearing for the petitioner submits that the subject properties have already been declared as road and the writ petitioners are not the title holders of the subject properties. The learned counsel appearing for the petitioner filed a common typed set of papers, in which copies of the documents have been filed along with the rough sketches, wherein road gift deeds have been executed in Doc.Nos.2665, 2668 & 2670 of 2006 on the file of the Sub Regsitrar, Arasaradi.

3. The learned Additional Government Pleader appearing for the official respondents submits that the lands which were notified for acquisition are earmarked for laying of 80 feet public road. He has also produced the written communication in Na.Ka.No.381/2024/B dated 17.02.2024, wherein it is stated



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that the lands have already been earmarked as 80 feet road, which was levelled by using JCB and now, it is still a mud road.

4. Heard the learned counsel appearing for the review petitioners and the learned Additional Government Pleader and the learned counsel appearing for the respondents.

5. On perusal of the entire documents, it is seen that the power of attorney has executed gift deeds for laying of road and the same has to be maintained as public road forever, as the lands have been executed in favour of Madurai Corporation on 20.09.2006 itself.

6. Pursuant to the order of this Court dated 19.01.2024, the learned Additional Government Pleader appearing for the respondents produced the written communication in Na.Ka.No.381/2024/B dated 17.02.2024 along with the photographs and a copy of the TSLR Register. The persons, whoever seeks for cancellation of gift deed and whoever purchased the lands earmarked for laying of 80 feet road, have to approach the competent civil Court to redress their grievance.



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7. Considering the above facts and circumstances of this case, this Court directs the official respondents to restore the lands for laying 80 feet road and in this regard, appropriate steps have to be taken by the authorities of Madurai Corporation, whom shall also look into the representation made by the persons living there regarding the basic amenities. The orders of the writ Court are modified to the extent that the lands in S.No.110/5, 110/6A, 110/7A, which were subdivided as Survey Ward 25, Block-3, T.S.No.1/6, 1/7 and 1/8 have to be maintained as 80 feet road, which cannot be released to the writ petitioners. Unless and until there is any order being passed by the Court contrary, the lands shall be maintained as road only.

8. The review petitions are allowed to the extent stated above. The learned Additional Government Pleader has to be paid a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) for the work done by him assisting the Court, by the review petitioner within a period of ten days from today. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2024

NCC : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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TO:-

- 1.The Director,
Town and Country Planning,
Chennai.
- 2.The Member Secretary,
Madurai Local Planning Authority,
Madurai.
- 3.The Commissioner,
Madurai Corporation,
Madurai.

Common Order made in
Rev.Aplw.(MD)Nos.99 and 100 of 2022

Dated:
20.02.2024