



W.P.(MD) No.20737 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.20737 of 2017

and

W.M.P.(MD) Nos.17015 and 17016 of 2017

Kabar Khan

.. Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The District Registrar,
O/o. The District Registrar,
Karur District.

3.The Sub-Registrar,
Melakarur Sub-Registrar Office,
Karur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip dated 22.09.2016 issued by the Respondent No.3 and quash the same and consequently direct the Respondent No.3 to register the Sale Agreement dated 22.06.2016 produced by the petitioner.



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For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The challenge in the writ petition is to a refusal slip issued by the third respondent herein refusing to register the document on the ground of the order made in W.P.(MD) No.2895 of 2011, the proceedings of the Revenue Divisional Officer, Karur dated 25.06.2016 and the proceedings of the District Registrar (Admin), Karur dated 28.06.2016.

2. The order made in the said writ petition on 26.06.2023 had been placed on record by the learned Additional Government Pleader. The said order relates to a public interest writ petition to remove the unauthorised developments found in the areas reserved for public purposes measuring an extent of 12.97 Acres comprised in various survey numbers including S.No.154 in Vengamedu Region, Inam Karur Town, Karur District. A Hon'ble Division Bench of this Court, after



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considering the claim of the petitioner therein, had in fact directed the Director of Town and Country Planning, Chennai to act in collaboration with the Commissioner of Karur Municipal Corporation to initiate appropriate action for restoration of the area that is earmarked for public purposes measuring an extent of 12.97 Acres. It had further indicated that if the original promoter/the society while submitting the plans for approval had included lands which did not belong to them, then such lands shall be excluded and the authorities cannot enforce the layout conditions of such lands, which did not belong to the promoter, who formed the layout. The said order is a comprehensive order directing the Director of Town and Country Planning along with the Commissioner of Karur Municipal Corporation to first ascertain the lands included in the layout by the original promoter. If any lands which do not belong to the original promoter had been included in the layout sanctioned, then such lands shall be kept out from the lands sanctioned. Only after such exercise, further action can be initiated against the unauthorised development that had been made in the lands mentioned in the layout.



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3. The claim of the petitioner herein is that the lands would not form part of the said layout. Even this claim would have to be considered by the authorities as directed by the Division Bench in the aforesaid order. In view of the same, the petitioner shall also submit his claim before the Committee formed by the Division Bench of this Court in W.P.(MD) No.2895 of 2011 and the Committee shall consider the claim of the petitioner and thereafter, if the Committee finds that the land of the petitioner is not included in the layout sanctioned, he may approach the authority for appropriate action.

4. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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O/o. The District Registrar,
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- 3.The Sub-Registrar,
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K.KUMARESH BABU, J.

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