



W.A(MD)Nos.1352 and 1353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1352 of 2024
and
C.M.P(MD)No.10587 of 2024
and
W.A(MD)No.1353 of 2024
and
C.M.P(MD)No.10596 of 2024**

W.A(MD)No.1352 of 2024:

K.Raju

... Appellant/3rd Party

-VS-

1.R.Vasudevan

...1st Respondent/Petitioner

2.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.

3.The Assistant Director,
Theni District Town and Country Planning Office,
Door No.446/A Ward 17, Nehruji Street,
Allingaram, Theni – 625 531.

4.The Member Secretary,
Local Planning Authority,
Cumbum Municipality,
Cumbum – 625516, Theni District.

5.The Commissioner,
Cumbum Municipality,
Cumbum – 625 516,
Theni District.

.. Respondents 2 to 5/Respondents 1 to 4



W.A(MD)Nos.1352 and 1353 of 2024

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 27.09.2023 made in W.P(MD)No.17869 of 2023.

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W.A(MD)No.135 of 2024:

K.Raju

... Appellant/3rd Party

-vs-

1.R.Sivakumar

...1st Respondent/Petitioner

2.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.

3.The Assistant Director,
Theni District Town and Country Planning Office,
Door No.446/A Ward 17, Nehruji Street,
Allingaram, Theni – 625 531.

4.The Member Secretary,
Local Planning Authority,
Cumbum Municipality,
Cumbum – 625516, Theni District.

5.The Commissioner,
Cumbum Municipality,
Cumbum – 625 516,
Theni District. .. Respondents 2 to 5/Respondents 1 to 4

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 27.09.2023 made in W.P(MD)No.17870 of 2023.

(In both Writ Appeals)

For Appellant :Mr.R.Suriya Narayanan

For R-1 :Mr.M.Karuppasamy Pandian

For RR2, 3 and 4 :Mr.P.T.Thiraviyam,
Government Advocate



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6. Section 52 of the Transfer of Property Act, applies only when a suit in which the title to the immovable property is directly and substantially in issue. Pendency of a Public Interest Litigation for a collateral purpose will not a bar for any transfer. Even otherwise Section 52 of the Transfer of Property Act makes transfers only subject to the result of the pending litigation. It does not render alienations or transfers void.

7. In view of the same, we see no merit in the writ appeals and the same are dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

13.08.2024

NCC :Yes/No

Index :Yes/No

Internet:Yes

PM



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To:

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No.807, Anna Salai, Chennai – 600 002.
- 2.The Assistant Director,
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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13.08.2024