



W.P(MD)No.27615 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.27615 of 2023

and

W.M.P(MD)Nos.23721, 23722 & 23724 of 2023

M.Gopalakrishnan

... Petitioner

Vs

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Koyambedu,
Chennai – 17.

2.The Joint Director of Town and Country Planning,
Trichy,
Trichy District.

3.The Commissioner,
Trichy Corporation,
Trichy,
Trichy District.

4.The Sub Registrar,
Thillai Nagar Sub Registrar Office,
7th Cross Road,
Trichy District.

5.M.Karthick

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the second respondent pertaining to its proceedings in Na.Ka.No.3913/2012 Thi.ma-3 dated 25.11.2021 and the plan approval granted by the second respondent bearing Ma.V/N.OO.E.E



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(Thima)No.71 of 2021 and plan permission No.76 of 2021 dated 25.11.2021 and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

For RR 1, 2 & 4 : Mr.S.C.Herold Singh

For R – 3 : Mr.Kishore Ram

For R – 5 : Mr.K.Prabhakar

ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the second respondent dated 25.11.2021 thereby granting planning approval and planning permission on the application submitted by the fifth respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner had purchased the property admeasuring 0.54 cents comprised in Survey No.179/3 from one Sivapackiyam by the registered sale deed dated 29.03.2007 vide Document No.1672 of 2007. Thereafter, the petitioner retained 8



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cents of the land along with 20 feet road and the remaining portion of the said land was sold out in favour of one Ramanathan. In turn, he sold out the said property in favour of the fifth respondent by the sale deed dated 14.05.2019 vide Document No.3030 of 2019. However, in the said sale deed, the said R.M.Ramanathan failed to mention the road portion which is used by the petitioner. Now, the fifth respondent applied for planning permission by showing 20 feet as a pathway and thereby denied the right of the petitioner to access the pathway. As per the sale deed executed in favour of R.M.Ramanathan, the petitioner can use the pathway in order to reach his portion of the land admeasuring 8 cents comprised in Survey No.179/3, Town Survey No.165/4 situated at Ward No.1, Block No.9, Pandamangalam Village, Abishekapuram Division, Trichy Town, Trichy District. Therefore, now the petitioner challenged the planning approval and planning permission granted in favour of the fifth respondent.

4.The grievance of the petitioner is that the pathway shown in the sale deed can also be used by the petitioner. Now the apprehension of the petitioner is that the fifth respondent closed the pathway as if it is exclusive one in favour of the fifth respondent.



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Therefore, it is a civil dispute between the petitioner and the fifth respondent. If at all any right claimed by the petitioner in respect of the disputed pathway as per his sale deed, he can file a suit in the manner known to law. Therefore, the petitioner cannot challenge the planning approval and planning permission granted in favour of the petitioner. In view of the above, this Writ Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

10.12.2024

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



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WEB COPY

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G.K.ILANTHIRAIYAN, J.

ps

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