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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14973 of 2025

and

WMP.No.16874 of 2025

P.T.Rajan,
Son of Thangarasu,
No.199, South Street,
Tittakudi Post and Taluk,
Cuddalore District.

Petitioner

Vs

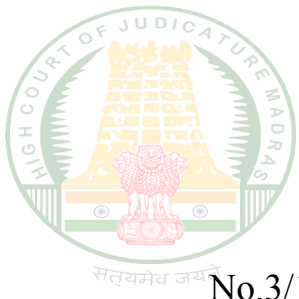
1.The District Collector,
Thiruppur, Thiruppur District.

2.The Assistant Director
District Town and Country Planning Office,
Kumran Commercial Complex,
Tiruppur District.

3.The Assistant Engineer,
Water Resource Department,
Water Course No.1,
Vellakovil, Tirupur District.

4.The Tahsildar,
Kangayam, Kangayam Taluk,
Tirupur District.

5.R.Sarojini,



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No.3/15, Kurukathi Sakthipalayam Post,
Vellakovil Via, Tiruppur District - 638 111.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for records of the 2nd respondent in Na.Ka.No.2755/2024/Su.A.Tha dated 28.02.2025 and the consequential order of the 3rd respondent in Ka.No.01/Go.11/U.Po 1/vellakovila/2025 dated 24.01.2025 quash the same as lack in jurisdiction and arbitrary and pass such further orders.

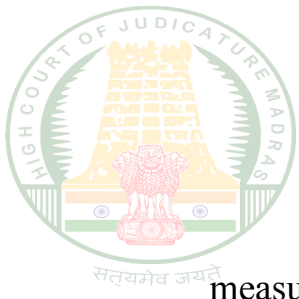
For Petitioner(s): M/s.Dakshayani Reddy
Senior Counsel
for Mr.P.Rajavel

For Respondent(s): Mr.N.Naveen Kumar,
Government Advocate
for R1 to R4

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari, calling for records of the 2nd respondent in Na.Ka.No.2755/2024/Su.A.Tha dated 28.02.2025 and the consequential order of the 3rd respondent in Ka.No.01/Go.11/U.Po.1/vellakovila/2025 dated 24.01.2025 and quash the same.

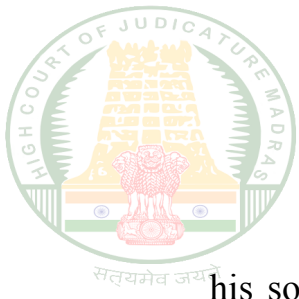
2. The petitioner is the grandson of Tmt.Nagammal, who owned a house property at Door No.94 (Old No.58), Market Lane, Santha Narayanan Koil Street, Kalmandapam, Royapuram, Chennai – 13,



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measuring about 400 sq.ft. During her lifetime, Nagammal had mortgaged the property and availed a loan under A/c No.9510 from the respondent bank. After her death on 05.07.2006, her legal heirs were Mr.Perumal, Mrs.R.Sundari, and Mr.M.Mohan (the petitioner's father). Mr.Mohan passed away on 09.11.2010, and Mr.Perumal went missing in 2011 (FIR No.747/2011 dated 11.06.2011). The petitioner and his family settled the entire loan amount and also paid Rs.5 lakhs as amicable settlement to Dillibabu (Perumal's son) and Tmt.Sundari, who thereafter gave their no objection for releasing the title deed. Despite submitting all supporting documents and offering to execute an indemnity bond, the bank refused to release the title deed, citing the need to protect the interest of the missing legal heir. The petitioner's request was formally rejected by letter dated 22.04.2016.

3. The learned counsel appearing for the petitioner submits that the refusal to release the title deed despite full loan repayment, submission of legal heir certificates, FIR copy, no objection letters from surviving legal heirs, and willingness to provide an indemnity bond is arbitrary and unjust. He argues that the interests of all heirs, including that of the missing Mr. Perumal, have been sufficiently addressed, especially since



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his son Dillibabu has given no objection. He asserts that the impugned order dated 22.04.2016 is illegal and contrary to law. Hence, this case.

4. Learned Government Advocate appearing for R1 to R4 submits that, pursuant to the notice dated 28.02.2025, the petitioner had also submitted a reply dated 26.03.2025 to the 2nd and 3rd respondents, and postal receipts have been enclosed in the typed set of papers. He further submits that since the notice issued only by the 3rd respondent, the petitioner was required to submit his reply within 7 days from the receipt of such notice. However, no reply has been submitted till date.

5. Learned Senior Counsel appearing for the petitioner further submits that, at the time of inspection and based on the complaint was given by the 5th respondent on her behalf, the officials proceeded to take action without any valid basis.

6. Heard both sides and perused the materials available on record.

7. It is admitted that the 3rd respondent did not issue any prior notice to conducting the inspection, based on which the third respondent came to the conclusion that the lands are agricultural in nature. Consequently, the petitioner seeks to challenge the order passed by the



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third respondent in Ka.No. 01/Go.11/U.Po 1/ Vellakovil/2025 dated 24.01.2025.

8. In view of the above, the impugned notices dated 24.01.2025 and 28.02.2025 are liable to be set aside, and the matter is hereby remitted to the third respondent for fresh consideration in accordance with law and this Court is of the considered opinion that the third respondent shall conduct a detailed enquiry and inspect the property, after giving due notice to the petitioner as well as the fifth respondent, affording them an opportunity of personal hearing.

9. The third respondent shall also take into consideration all relevant documents submitted by the petitioner and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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10. In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

dpq/cda
Index: Yes/No
Speaking/Non-speaking order

To

1.The District Collector,
Thiruppur, Thiruppur District.

2.The Assistant Director
District Town and Country Planning Office,
Kumran Commercial Complex,
Tiruppur District.

3.The Assistant Engineer,
Water Resource Department,
Water Course No.1,
Vellakovil, Tiruppur District.

4.The Tahsildar,
Kangayam, Kangayam Taluk,
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N.MALA, J.

dpq/cda



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and



W.M.P.No.16874 of 2025

N. MALA, J.

Today, this Writ Petition is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2.The learned senior counsel for the petitioner submitted that in the order dated 07.07.2025 Paragraph Nos. 2 and 3 does not relates to the case. The learned counsel therefore submits that Paragraph Nos. 2 and 3 needs to be corrected. Accordingly prayed for appropriate orders.

3. In view of the above, Paragraph Nos.2 and 3 reads as follows:

2. The petitioner is the absolute owner of 8570 sq.m of land in Re-Survey No.45/1D and New Survey No.45/1D1 in Senapathipalayam Village, Kangeyam Taluk, Tiruppur District, acquired by sale deed dated 03.11.2022. With the intention of developing a residential layout, the petitioner obtained technical clearance and final layout approval from the 2nd Respondent. The petitioner complied with all statutory requirements, including payment of fees, land use conversion, gift of road areas to local authorities, and provision of infrastructure. However, based on a complaint from the 5th Respondent (a neighbouring landowner), the 2nd Respondent issued a direction dated 28.02.2025 asking the petitioner to amend the layout plan to create a pathway for an alleged "Arani Vaikkal" to the adjoining lands in Re-Survey Nos.72, 45, and 44.



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3. *The learned senior counsel appearing for the petitioner contends that there is no "Arani Vaikkal" passing through their land and the same is not reflected in any revenue records. The land has been in continuous possession of the petitioner and their vendor without any encumbrance or mention of a water channel. He argues that the complaint by the 3rd Respondent is baseless, as the irrigation to Re-Survey No.44 was never dependent on any channel through the petitioner's land. He submits that the impugned direction issued by the 2nd Respondent for revising the approved layout plan is unjustified and contrary to records. Hence, this case.*

4. All other observations made in the order dated 07.07.2025 shall remain intact except for the above said correction. Registry is directed to carry out the necessary correction and issue the corrected order copy to the parties concerned.

21.07.2025

smn



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N. MALA, J.

smn

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