



WEB COPY

WA No. 1168 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A. No. 1168 of 2025
and C.M.P.No.8994 of 2025**

1. V.Mathioli

W/o. Vaithilingam D/o. Sundaram
Pillai, No. 59-B, 100 Feet Road,
Muthaliyar Pet, Puducherry 605 004

2. S.Kaveri

W/o. Durairaj D/o. Sundaram Pillai,
No. 4/37, East Venugopalapuram,
Manjakuppam, Cuddalore 1

3. R.Balakrishnan

S/o. Ramadayalu, NO. 35, 4th Street,
V.K.S.V. Naidu Nagar, Valavanur,
Villupuram 605 108

Appellant(s)

Vs

1. K.Amudhavalli @ K.Amudha

W/o. Kumaran C/o. V.Gayathiri, No.
79-A, Sriram Nagar, Gandhi Nagar
Post, Neyveli 607308



WEB 2.K.Sivasankaran

S/o. Kumaran, No. 5B, Surendara
Nagar, 6th Street Extension,
Adampakkam, Chennai 088

3.V.Gayathiri

W/o. Vijayakumar, D/o. Kumaran, No.
79-A, Sriram Nagar, Gandhi Nagar
Post, Neyveli 607308

4.The Assistant Director

Local Town Planning Authority,
Tamizhmuthu Nagar, Kondur,
Cuddalore-607 006.

5.The President

Varakalpattu Panchayat, Varakalpattu
Village, Cuddalore Taluk, Cuddalore.

6.The Block Development Officer,
Cuddalore Panchayat Union, Cuddalore
Taluk, Cuddalore

7.The Sub - Registrar,
Nellikuppam, Cuddalore.

Respondent(s)

PRAYER

The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.No, 14979 of 2024 dated 28.08.2024 by this Court.



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For Appellant(s): Mrs. C.S.Monica

For Respondent(s): M/s. R. Sreedhar for R1 to R3

Mr.M.Venkateswaran

Special Government Pleader for R4

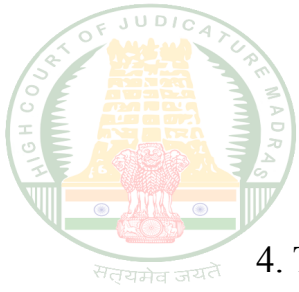
JUDGMENT

(Judgment of the Court was delivered by M.JOTHIRAMAN, J.)

This intra-Court Appeal is filed against the order passed in W.P.No.14979 of 2024, dated 28.08.2024.

2. The appellants are the third parties to the writ proceedings in W.P.No.14979 of 2024.

3. Originally, the writ petitioners, viz., K.Amudhavalli @ K.Amudha, Sivasandaran and Gayathri have filed the Writ Petition challenging the proceedings dated 01.03.2023 in Na.Ka.No.231/2023/Ka.Maa issued by the Assistant Director, Local Town Planning Authority, Cuddalore, thereby cancelled the layout approval for the land comprised in Survey Nos.39/2B1, 62/2 and 62/6 admeasuring 7.97 acres of Varakalpattu Village, Cuddalore District.



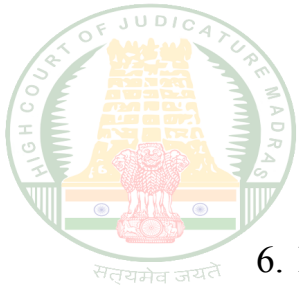
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4. The Writ Court, vide order dated 28.08.2024, had held as follows:-

6. According to the petitioners, the first petitioner's husband had title over the property by way of partition deed dated 18.07.2003 registered vide document No.1236 of 2003. The first petitioner's husband was also issued patta in respect of the subject property. Therefore, if at all they have any share over the property, the counter parties can very well agitate the same before the first respondent, subject to the result of the partition suit.

7. In view of the above, the impugned order passed by the first respondent dated 01.03.2023 cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. The counter parties are at liberty to challenge the approval, subject to the result of the partition suit.”

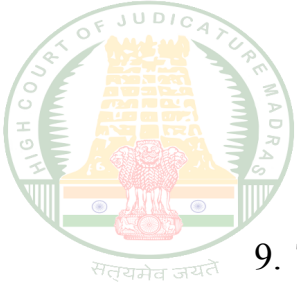
5. A perusal of the order impugned in the Writ Petition reveals that on the basis of the legal notice received from one Advocate Rammohan, the layout approval was immediately cancelled without any notice to the writ petitioners therein and without giving them an opportunity of hearing. It is also observed that the legal notice dated 31.01.2023 reveals that his client filed a suit for partition in respect of the subject property in O.S.No.394 of 2021 and also filed an application in I.A.No.774 of 2021 for injunction against the writ petitioners therein, which are pending on the file of the Principal District Judge, Cuddalore. The Writ Court quashed the order impugned in the Writ Petition dated 01.03.2023 and also given liberty to the counter parties to challenge the approval, subject to the result of the partition suit.



6. It is seen from the typed set of papers that the appellant/third parties namely, Mathioli, Kaveri and Balakrishnan have filed the suit in O.S.No.394 of 2021 against K.Amudhavalli @ K.Amudha, Sivasandaran, Gayathri (Writ Petitioners in W.P.No.14979 of 2024), Santha, Aandavar, Suburaya, Arumugam, the District Collector, Cuddalore and the Sub-Registrar, Nellikuppam, seeking the relief of partition and separate possession of the plaintiff's 3/4th share and also seeking to declare various other sale deeds as null and void .

7. The learned counsel appearing for the appellants would submit that pending Writ Appeal, the Assistant Director, Local Town Planning Authority, Cuddalore, has issued layout approval to the property, which is the subject matter of the writ petition. The learned counsel appearing for respondent Nos.1 to 3/ writ petitioners has not disputed the same.

8. The learned counsel for respondent Nos.1 to 3/ writ petitioners filed the layout approval granted by the Assistant Director, Local Town Planning Authority, Cuddalore, and also filed the sketch of the layout approval vide Approval No.LP/DTCP(CUDD) No.149/2024, dated 05.11.2024 as the typed set of papers in the Writ Appeal.



9. The learned counsel appearing on either side unanimously submitted that since the layout approval has been granted by the Assistant Director, Local Town Planning Authority, Cuddalore, nothing survives for further adjudication in this Writ Appeal and hence, the same may be dismissed as infructuous.

10. Recording the above-submissions, this Writ Appeal is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
26-06-2025

ASI

To

1.K.Amudhavalli @ K.Amudha
W/o. Kumaran C/o. V.Gayathiri,
No. 79-A, Sriram Nagar, Gandhi Nagar
Post, Neyveli 607308

2.K.Sivasankaran
S/o. Kumaran, No. 5B, Surendara
Nagar, 6th Street Extension,
Adampakkam, Chennai 088



3.V.Gayathiri

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