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W.P.No.38299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM

**THE HONOURABLE Mr. JUSTICE G.K. ILANTHIRAIYAN**

**W.P.No.38299 of 2025**

Kesavan Krishnasamy

... Petitioner

**Vs.**

1.The District Collector,  
District Collectorate,  
Erode -638011

2.The Assistant Director of The Land Survey  
and Records Department  
Office off The Land Survey and Records Department,  
Erode-638011

3.The Revenue Divisional Officer  
Revenue Divisional Office, Erode -638001

4.The Tahsildar  
Taluk Office, Modakurichi -638104

5.The Deputy Director  
Directorate of Town and Country Planning,  
Erode-638011

6.The Circle Sub Inspector  
Survey Division,  
Modakurichi-638104

7.The President  
Lakkapuram Panchayat,  
Lakkapuram-638002

8.The District Revenue Divisional Officer  
District Collectorate Office,



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Erode-638001.

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 8th respondent dated 10.06.2025 in Moo.Mu.24957/2024/U1 as invalid and to consequently direct the Respondents to correct the Sub-Division of Natham land record and the Field Map in respect of Survey No.125/3, Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk, Erode District as per the approved layout granted by the Coimbatore Deputy Director, Directorate of Town and Country Planning in the year 1985 in LP/R(CPN) 78/85.

For Petitioner : Mr.R.Sanjay

For Respondents : Mr.D.Ravichander, Spl.GP  
for R.1 to R.6 and R.8.

### **ORDER**

This Writ Petition has been filed challenging the order passed by the 8th respondent dated 10.06.2025 thereby rejected the request made by the petitioner to correct the sub division of Natham land record and Field Map in respect of the property comprised in Survey No.125/3, Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk, Erode District as per the approved layout granted by the Coimbatore Deputy Director, Directorate of Town and Country Planning in the year 1985 in LP/R(CPN) 78/8.



2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The land comprised in S.No.125/3, situated at Punja Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk and District, was laid out into house sites in the year 1985. The said layout was approved by the Coimbatore Deputy Director, Directorate of Town and Country Planning. The total extent of the layout is 2 acres 40  $\frac{3}{4}$  cents. In the said approved layout, the petitioner's wife purchased Plot No.23, constructed a house thereon, and they are residing therein. On a perusal of the Field Map relating to the property comprised in S.No.125, the petitioner found that the road leading to his house, as well as the other roads situated therein, had not been drawn in accordance with the approved layout. In this regard, the petitioner's wife submitted a representation to the District Collector, Erode as well as the Chief Minister of Tamilnadu seeking correction in the Field map according to the approved layout. However, her request was rejected on the ground that the subject land has not been transferred to Panchayat by way of a Gift Deed.

4. On perusal of the order passed by the 8th respondent dated



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10.06.2025, the request made by the petitioner was rejected only on the ground that the land which was earmarked for road/park area were not gifted in favour of the Panchayat President. Further, in respect of the very same property some civil suits are pending.

5. It is a settled law that once a layout has been approved by the appropriate authority, the portion earmarked for the road and street would be left to the benefit of the plot owners or promoters as the case may be and after the said approval all the roads and streets shall become public and thereafter, no one can claim the said land for any other purpose. In the present case, it is seen that, as per the approved layout, a road with a width of 20 feet is already being used by the general public. That apart, already the 4th respondent conducted a detailed enquiry and has recommended the correction of the subdivision in the FMB pertaining to the land comprised in S.No.125/3.

6. A perusal of the report submitted by the 4th respondent clearly reveals that the 20-feet-wide road, with a length of 100 feet as per the approved layout, has been utilized by the general public. Therefore, the road in question, which is in use by the public, as well as the roads leading to the park, are also being used by the general public. Accordingly, the



FMB can be corrected by depicting these as roads. Consequently, the said road comprised in S.No.125/3, Erode District, would acquire the character of a public road or at least be available for common use by the flat owners. Thus, the land loses its purely private character once it is shown in the layout, irrespective of whether it was gifted or otherwise.

7. In view of the above, the order passed by the 8th respondent dated 10.06.2025 cannot be sustained and is liable to be quashed. Accordingly, the order passed by the 8th respondent dated 10.06.2025 is hereby quashed. The respondents are directed to correct the Sub-Division of Natham land record and the Field Map in respect of Survey No.125/3, Lakkapuram Village, Modakurichi Panchayat Union, Erode Taluk, Erode District as per the approved layout granted by the Coimbatore Deputy Director, Directorate of Town and Country Planning in the year 1985 in LP/R(CPN) 78/85, within a period of 2 weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is allowed. There shall be no order as to costs.

**13.10.2025**



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Index : Yes/No  
Speaking Order: Yes/No  
Neutral Citation : Yes/No  
(shr)

To

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