



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.9839 of 2023

and

W.M.P(MD)No.8675 of 2023

M.Mariammal

... Petitioner

Vs

- 1.The Director,
Town and Country Planning Department,
No.877, Anna Salai,
Chennai-2.
- 2.The Deputy Inspector General of Registration,
Sankar Colony,
Palayamkottai,
Tirunelveli Region,
Tirunelveli District.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Assistant Director of Town Panchayat,
Panchayat Union Office,
Palayamkottai,
Tirunelveli District.
- 5.The District Registrar,
Registration Department,
Office of the District Registrar,
Revenue Divisional Office,
District Collectorate,
Kokarankulam,
Tirunelveli District.



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6.The Sub Registrar,
No.2, Taluk Sub Registrar Office,
Tirunelveli Town,
Tirunelveli District.

7.Radha Sankar

8.Baskar Narayanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the sixth respondent from registering the sale deeds or any other kind of instruments in respect of plots made in unapproved lay out formed by the respondents 7 to 8 or their agents comprised in lay out plots in S.Nos.438/4,439/3,440/1,442/2/3 and 445/1,3 to an extent of 32 ½ Acres at Naranammalpuram Village, Balaji Nagar, Tirunelveli Taluk, Tirunelveli District on the basis of the Petitioner's representation, dated 13.3.2023 within the time stipulated by this Court.

For Petitioner : Mr.A.R.Kannappan

For RR 1 to 6 : Mr.S.P.Maharajan
Special Govt.Pleader

For R – 7 : Mrs.D.Geetha

For R – 8 : No appearance

ORDER

This Writ Petition has been filed for forbearing the sixth respondent from registering the sale deeds or any other kind of instruments in respect of plots made in unapproved lay out formed by the respondents 7 to 8 or their agents comprised in lay out plots



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in S.Nos.438/4,439/3,440/1,442/2/3 and 445/1,3 to an extent of 32 ½ Acres at Naranammalpuram Village, Balaji Nagar, Tirunelveli Taluk, Tirunelveli District on the basis of the Petitioner's representation, dated 13.3.2023 within the time stipulated by this Court.

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

3.The Petitioner is the ward councillor of Sankar Nagar Town Panchayat, Tirunelveli District. He is now alleging that the respondents 7 and 8 are selling unapproved plots comprised in S.Nos.438/4,439/3,440/1,442/2/3 and 445/1,3 to an extent of 32 ½ Acres at Naranammalpuram Village, Balaji Nagar, Tirunelveli Taluk, Tirunelveli District. Therefore, the Petitioner submitted a representation thereby raised objection from registering any document in respect of the subject properties.

4.On a perusal of the counter filed by the first respondent reveals that subject properties was already laid out and approval was also granted on 7.9.1999 itself. In pursuant to the grant of lay out approval, gift deed was also executed vide document No.2431



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of 1991, dated 29.9.1999 for other purpose in favour of Sankar Nagar Town Panchayat. In turn, Sankar Nagar Town Panchayat had taken over possession of the land which was already gifted in its favour for the purpose of laying out and for providing other amenities. However, the respondents 7 and 8 failed to hand-over 2% of the land as OSR out of 10% of the total extent of the property. Therefore in order to regularize the same, they also paid the entire amount and thereby all the house plots were regularized. In this connection there is a communication of the Deputy Director of Town and Country Planning, dated 29.01.2020. Therefore the respondents 7 and 8 can very well deal with the house plots comprised in S.Nos.438/4,439/3, 440/1,442/2/3 and 445/1,3 to an extent of 32 ½ Acres at Naranammalpuram Village, Balaji Nagar, Tirunelveli Taluk, Tirunelveli District

5. In view of the above, the Writ Petition itself is devoid of merits and liable to be dismissed and accordingly, the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2025



NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
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and
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