

W.P.(MD).No.11159 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.11159 of 2025

1.Megthalin Joseph Sagayam

2.Leorex Sebastian

.. Petitioners

Vs.

1.The District Registrar,
Karur,
Karur District.

2.The Sub Registrar,
Melakarur,
Karur District.

3.The Assistant Director,
Director of Town and Country Planning,
No.9, First Floor, Lakshmipuram North,
Karur District - 639 001.

4.The Commissioner,
Karur Municipality,
Karur.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip having Refusal Number RFL/Melakarur /30/2024 dated 16.04.2024 issued by the 2nd respondent and also seeking to register the Settlement Deed dated 16.04.2024 relating to the land in Survey No.241/B, New Natham Survey No.155/1 now sub divided as Survey No.155/7 measuring to an extent of 9905 Sq.feet situated at Karur, Karur Taluk, Karur District by considering the petitioners' representation dated 31.12.2024.



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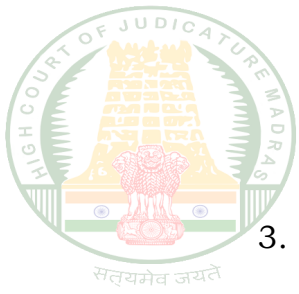
For Petitioners : Mr.V.Sukumar
For R-1 to R-3 : Mr.N.Ramesh Arumugam
Government Advocate
For R-4 : Mr.E.Sathish
for Mr.K.Balasubramani
Standing Counsel

ORDER

This Writ Petition is filed challenging the impugned check slip having Refusal Number RFL/Melakarur /30/2024 dated 16.04.2024 issued by the second respondent and also seeking to register the Settlement Deed dated 16.04.2024 relating to the land in Survey No.241/B, New Natham Survey No.155/1 now sub divided as Survey No.155/7 measuring to an extent of 9905 Sq.feet situated at Karur, Karur Taluk, Karur District by considering the petitioners' representation dated 31.12.2024.

2. The petitioners state that the subject matter of this Writ Petition is the lands situated in Survey No.241/B, New Natham Survey No.155/1, sub divided as Survey No.155/7 and measuring an extent of 9905 Sq.ft at Karur Taluk and District. They state that the property originally belonged to one Vadivel Pillai. He had executed a sale deed in favour of the following persons on 14.12.1965:

- (i) A.Karuppanna Gounder,
- (ii) P.Karuppanna Gounder and
- (iii) K.Kaliyanna Gounder.



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3. A.Karuppanna Gounder executed a “WILL” in favour of his son, Ettiappan by way of a registered WILL in Document No.21/1974. Karuppanna Gounder passed away and Ettiappan became a co-owner of the property. On 18.08.1978, the petitioners' mother purchased the property for and on behalf of the petitioners herein, as their guardian. Subsequently, a partition suit came to be instituted in the family of the petitioners in O.S. No.152 of 1999 on the file of the Subordinate Court at Karur. The suit came to be decreed on 25.04.2001. The property, which is the subject matter of the Writ Petition, was allotted to the share of the petitioners by the learned Subordinate Judge.

4. The petitioners decided to settle the property in favour of their respective spouses, namely, Monica Amalorpava Mary (wife of the first petitioner) and Arockia Mary (wife of the second petitioner). The said settlement deed was presented for registration and it was rejected by the impugned order. The ground for refusal of registration is that “No Objection Certificate” has to be obtained from the Director of Town and Country Planning, Chennai, in the light of the order passed by this Court in W.P. (MD).No.2895 of 2011 dated 04.04.2016. Challenging the same, the present Writ Petition.

5. When the matter was taken up for admission, Mr.N.Ramesh Arumugam submitted that pursuant to the orders of this Court in W.P.



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(MD).No.2895 of 2011, the properties, which had been earmarked as public area/public spaces, had been alienated, which constrained this Court to interfere. Hence, he sought time to get instructions. Accordingly, the matter was adjourned.

6. I heard Mr.V.Sukumar for the petitioners, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1 to 3 and Mr.E.Sathish for K.Balasubramani, learned Standing Counsel for the fourth respondent.

7. Mr.N.Ramesh Arumugam has produced written instructions from the District Town and Country Planning Authority. For ready reference, the instruction is scanned and extracted hereunder:

6.11.25/3

அனுப்புநர்
திரு.புலேஸ்வரன், பி.இ.
உதவி இயக்குநர்,
மாவட்ட நகர் உரமைப்பு அலுவலகம்,
எண்.9, முதல் தளம்,
இலட்சுமிபுரம் வடக்கு தெரு,
கரூர் நகரம்,
கரூர் மாவட்டம் - 639 001.
E mail id: ad.karur.dist@gmail.com
Ph.04324-260 625

பெறுநர்
அரசு வழக்கறிஞர்,
மாண்புமிகு சென்னை உயர்நீதி மன்ற
மதுரை கிளை,
மதுரை.

நக. எண். 461/2022 /கமா-2 நாள். 25.04.2025

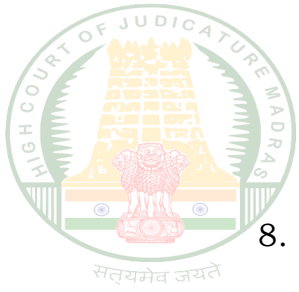
பொருள்: வழக்கு - மாவட்ட நகர் உரமைப்பு அலுவலகம் - கரூர் மாவட்டம் - கரூர் வட்டம் - கரூர் மாநகராட்சி - இணை கரூர் கிராமம் - நில அளவு எண்கள். 135, 136, 137, 138, 140, 141, 146, 151, 152, 153, 154, 155 மற்றும் 160-ல் கொங்கு நகர் மனைபிரிவு தொடர்பாக மாண்புமிகு சென்னை உயர்நீதி மன்ற மதுரை கிளையில் தொடரப்பட்ட வழக்கு எண். W.P (MD) No : 11159 of 2025 -ற்கு விபரம் சமர்ப்பித்தல் - தொடர்பாக.

பார்வை: மாண்புமிகு சென்னை உயர்நீதி மன்ற மதுரை கிளை வழக்கு எண்.W.P(MD) No : 11159 of 2025

பார்வையில் காணும் மாண்புமிகு சென்னை உயர்நீதி மன்ற மதுரை கிளை வழக்கு எண். W.P (MD) No: 11159 of 2025-ன் தொடர்பாக கரூர் மாவட்டம், கரூர் வட்டம், கரூர் மாநகராட்சி, இணை கரூர் கிராமம், நில அளவு எண்கள். 135, 136, 137, 138, 140, 141, 146, 151, 152, 153, 154, 155 மற்றும் 160 -ல் 98.43 ஏக்கர் பரப்பளவில் அமையும் மனைபிரிவு எண். L.P.R (CN) No : 09/1983 (This Revises on L.P.R (CN) No: 134/1981) என எண்ணிட்டு ஒப்புதலளிக்கப்பட்டுள்ளது. மேலும் நில அளவு எண்.155-ஆனது முழு எண்ணாக மேற்படி ஒப்புதலளிக்கப்பட்ட மனைபிரிவில் குறிப்பிடப்பட்டுள்ளது. ஆனால் Petitioner Thiru.Meghalin Joseph Sagayam என்பவரின் இடம் அமையும் நில அளவு எண்.155/7-ஆனது தற்போதைய புதிய உட்பிரிவு செய்யப்பட்ட புல வரைபடத்தின்படி ஒப்புதலளிக்கப்பட்ட மனைபிரிவின்குள் அமையவில்லை என்ற விபரம் பணிநுது சமர்ப்பிக்கப்படுகிறது.

உதவி இயக்குநர்,
மாவட்ட நகர் உரமைப்பு அலுவலகம்,
கரூர் மாவட்டம்.

25/4/25



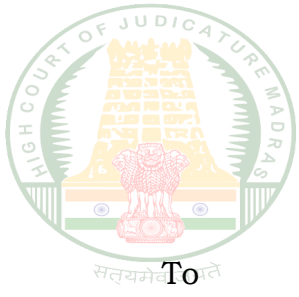
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8. A perusal of the order passed in W.P.(MD).No.2895 of 2011 shows that the extent of property covered by the said order is 12.97 acres. If the property falls outside the scope of 12.97 acres, the necessity for getting an approval from the Town and Country Planning Authority does not arise. The instructions scanned and attached above shows that this property falls outside L.P.R (CN) No.134/1981. As the lands are not covered by the layout, there is no necessity for the petitioner to obtain DTCP approval.

9. Accordingly, the impugned order is quashed. The Writ Petition stands allowed. There shall be a direction to the second respondent to register the settlement deed executed by the petitioners in favour of their respective spouses subject to payment of registration fees. The said exercise shall be completed within a period of two (2) weeks from the date of uploading of this order on the website of this Court. There shall be no order as to costs.

25.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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V.LAKSHMINARAYANAN,J.

Lm

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