



W.P(MD)No.12042 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12042 of 2024

and

WMP(MD).No.10717 of 2024

P.Balsundarraaj

... Petitioner

Vs.

1. The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.

2. The Sub Registrar,
Kovilpatti,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent Thi2/8208/2023 on 06.05.2024 and to quash the same consequently, to direct the 2nd respondent not to cancel the petitioner's registered sale deed in Survey Nos.534/2B, 534/1B and 535/1A in plot Nos.31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 based on the proceedings under U.Ni.Manaipirivu 1/2019.

For Petitioner

: Mr.G.Prabhu Rajadurai
for V.Sebastinal Preethi

For Respondents

: Mr.S.Saji Bino
Special Government Pleader



W.P(MD)No.12042 of 2024

ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the 1st respondent Thi2/8208/2023 on 06.05.2024 and consequently, to direct the 2 respondent not to cancel the petitioner's registered sale deed based on the proceedings under U.Ni.Manaipirivu 1/2019.

2.Through the impugned order, the 1st respondent has stated that the petitioner has not obtained DTCP approval for the entire 63 plots. The petitioner has only obtained approval for plot Nos. 31 to 41 and for the balance plots, the petitioner has not obtained approval.

3.The Learned Counsel appearing for the petitioner submitted that even if 4 plots are approved, as per the order, dated 10-03-2023, based by the Tamil Nadu Real Estate Regulatory Authority, it amounts to approving of plots in the said survey number. However, the said contention was refuted by the Learned Special Government Pleader appearing for the respondents who submitted that the approval is only for the said plots and it will not amount to the approval for the entire layout.

4.After considering the rival submissions, this Court is of the



W.P(MD)No.12042 of 2024

considered opinion that the petitioner has laid out the plots as early as 2015 itself but has not obtained any approval. Subsequently, the petitioner has executed gift deed by gifting the roads formed in the layout to the local authority as early as 16-02-2015 itself. If it is acted, then plot approval may not be necessary as per Section 22A2. Because in the said provision, it has been specifically stated that the same would be applicable after 2016. Since the layout is formed prior to the cut-off date, the contention of the respondents is not acceptable. The entire object of Section 22A itself is to divide the land properly, hand over the roads and lands earmarked for public utility. If it has been carried out, then there cannot be any objection. In the present case, the road has been gifted. Therefore, the object is satisfied.

5. While considering the similar issue, a Learned Single Judge in W.P.No.426 of 2022, vide order, dated 01-07-2024, has held that if the substantial plots are sold, then the said objection cannot be raised. After perusing the same, the Honorable Division Bench of this Court has also concurred with the said finding and has rendered a judgment in W.A.(MD)Nos.705 and 706 of 2025, dated 22-04-2025.

6. In the present case, the petitioner has sold substantial plots and the petitioner is intended to sell the remaining plots. As stated supra, when the road



W.P(MD)No.12042 of 2024

was laid out as early as 2015, Section 22A will not be applicable. Hence, the impugned order is quashed and the respondents are restrained from cancelling the already registered document.

7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

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

Tmg

To

1. The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.
2. The Sub Registrar,
Kovilpatti,
Thoothukudi District.



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W.P(MD)No.12042 of 2024

S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.12042 of 2024**

DATED : 16.07.2025