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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.14994 of 2020
and
W.M.P.(MD) No.12635 of 2020

M.Nallaiah ... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Municipal Commissioner,
Municipality Office,
Puliyankudi, Tenkasi District.

3.The Joint Director,
Town and Country Planning Department,
Tirunelveli.

4.The Inspector General of Registration,
Chennai.

5.The District Registrar,
Tenkasi District, Tenkasi.

6.The Sub Registrar,
The Office of the Sub Registrar,
Puliyankudi,
Kadayanallur,
Tenkasi District.

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7.Balu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to restore the road situated in S.No.355/2 and to take action against the 7th respondent for illegal conversion of S.No.355/1 and 3 from agricultural lands into commercial sites situated in Puliyankudi Revenue Village, Kadayanallur Taluk, Tenkasi District, by considering the petitioner's representation dated 19.10.2020.

For Petitioner : Mr.K.Vinoharan for
M/s Prabhu Rajadurai

For Respondents : Mr.P.Thilakkumar
Govt. Pleader (for R1 & R3 to R6)

No appearance (for R2 and R7)

O R D E R

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This writ petition is filed seeking issuance of a Writ of Mandamus to direct the respondents to restore the road situated in S.No.355/2 and to take action against the 7th respondent for illegal conversion of S.No.355/1 and 3 from agricultural lands into commercial sites situated in Puliyankudi Revenue Village,

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Kadayanallur Taluk, Tenkasi District, by considering the petitioner's representation dated 19.10.2020.

2. The second respondent Municipality filed a counter. The relevant paragraph 4 of the counter is extracted hereunder:

> "4.It is respectfully submitted that the 7th respondent has not submitted any plan for approval to the 2nd respondent Municipality or to the 3rd Respondent Town and Country Planning. On receiving the representation from the Petitioner herein, a detailed enquiry was made. The 7th Respondent has given a statement in writing that the land measuring an extent of 3.5 acres of land belonging to his father Chellappa in S. No. 351 of Puliangudi village, and after his demise, the legal representatives consisting of 4 male and 4 female heirs partitioned the property and for the purpose of identification of each share, stones were planted and not for the purpose of getting approval of lay out from the 2nd Respondent by converting the agricultural land into non-agricultural purpose and in-fact no 'NOC' was sought for from the competent authority. The family had to intention to sub divide the property into lay outs for the purpose of conveying the same and that their purpose is only partition of the said property among the 8 legal representatives of their deceased father Chellappa.

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In-fact in the A Register culled out during the settlement under updating registry between 1979-1984, an extent of 1.24.0 hectares of land comprising in S.No. 355/1 was classified as 'ryot' 'dry' and stood registered in the name of Thiru Chinna Mariappan @ Chellappa under patta No. 413. Inasmuch as the said land is 'dry' land, there is no question of conversion in terms of G.O. Ms. No. 79 Housing and Urban Development [UD4 (3)] Department dated 04.05.2017. In the A register, an extent of 0.03.0 ares of land in S.No.355/2 stood classified as 'Govt.' 'Poromboke' and location of channel is indicated in the remarks column of A Register. In-fact in paragraph 4 of G.O. Ms. No. 78 Housing and Urban Development [UD4(3)] Department dated 04.05.2017 under "Restrictions for regularization of unapproved plots and layouts", it has been clearly stated as:

> "(1) No plot or layout in part or whole which is located in public water body like channel, canal, tank, lake, river etc. shall be eligible for regularization.
>
> (5) No plot or layout in part or whole, lying in the lands affected by the alignments of proposed road or rail corridors and street alignments specified in the development plans shall be regularized."

Hence checks and counter-checks are available in the statute itself. Inasmuch as no request for

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approval of lay out was received from the 7th respondent, the petition is liable for dismissal as misconceived."

2. It is seen that the authorities have stated that the checks and counter-checks are available in the statute itself. Therefore, in the event of any violation or illegality, the authorities have to initiate all appropriate action. Encroachments in the road portion, if any, identified, are also to be removed by following due procedures.

3. With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
23.07.2025

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

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