



W.P.(MD) No.15684 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

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

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and

W.M.P.(MD) No.11922 of 2025

K.Ramakrishnan
S/o.Krishnan
Treasurer
Neelamegam Nagar
Housing Owners Association
Plot No.23, Neelamegam Nagar
Y.Othakadai
Madurai-625 107

... Petitioner

-VS-

- 1.The President / Special Officer
Y.Othakadai Panchayat
Madurai East Panchayat Union
Melur Main Road, Y.Othakadai
Madurai-625 107
- 2.The Commissioner
Madurai East Panchayat Union
Madurai-625 002



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- 3.The Revenue Divisional Officer
Melur Revenue Division
Vellaripatti, Madurai-District
- 4.The Tahsildhar
Madurai East Taluk
Y.Othakadai, Madurai District
- 5.The Joint Sub Registrar No.1
Madurai North
Rajakembiram
Y.Othakadai
Madurai District
- 6.The Deputy Director of Town
and Country Planning
Office of the Deputy Director of
Town and Country Planning
Madurai Region
Anaiyur-Mudakkathan Road
Koodal Pudur
Madurai-625 017
- 7.The Block Development Officer
O/o.The Block Development Office
Madurai East, Madurai
- 8.The District Collector
Office of the District Collectorate
Madurai
- 9.C.Satheesh Babu
- 10.Kannadhasan
- 11.A.Ganesan
- 12.G.Devi

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 2nd to 8th respondents to take appropriate proceedings to restore the common properties of Shopping Complex, Community Hall, Library and Playground situated in old Survey No. 70/1 at Neelamegam Nagar, Y.Othakadai Village Panchayat, Madurai East Panchayat Union, Madurai District to its original status of common property, by cancelling the patta in the name of encroachers and suitable orders to the 1st respondent to acquire the common properties under due process as contemplated under the law by fixing a time limit based on the petitioner's representation dated 14.05.2025.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R3 to R8

ORDER

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

The writ on hand has been instituted seeking a direction to the the respondents 2 to 8 to take appropriate proceedings to restore the common properties of Shopping Complex, Community Hall, Library and Playground



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situated in Old Survey No.70/1 at Neelamegam Nagar, Y.Othakadai Village Panchayat, Madurai East Panchayat Union, Madurai District, to its original status of common property, by cancelling the patta in the name of encroachers and suitable orders to the first respondent to acquire the common properties under due process as contemplated under the law by fixing a time limit based on the petitioner's representation dated 14.05.2025.

2. The grievance of the petitioner is that the common area earmarked under the approved layout sketch has been mis-utilized by the respondents, more specifically, the shop area has been sold in favour of some private persons. Thus, the present writ petition came to be instituted.

3. Learned Additional Government Pleader appearing for the respondents 3 to 8 would oppose the above contentions by stating that all the common areas are not sold by the official respondents as alleged by the petitioner. Saleable area alone has been sold by the promoter, which is permissible under the Government Orders. Therefore, there is no irregularity and the common areas allotted to provide common amenities will be maintained as per the approved layout sketch.



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4. A copy of the approved layout sketch has been enclosed at Page No.21 of the typed set of papers filed along with the present writ petition. In the said sketch, area has been marked for park, religious institutions, playground, library, community hall and one portion is allotted for construction of shops. The dispute is with regard to sale of the area earmarked for the construction of shops.

5. Insofar as the shop area is concerned, it is saleable area and therefore, there is no impediment for the promoter to sell the saleable area to individual persons. However, the said area must be utilized only for construction of shops and it cannot be utilized for any other purpose other than the purpose as stated in the approved layout sketch. Thus, the shop area sold in favour of the individuals must be utilized for construction of shops for the benefit of the people residing in that locality.

6. Insofar as other common areas, including library, park, playground, are concerned, the same are to be maintained for the purpose for which they have been earmarked in the approved layout sketch and it cannot be neither sold nor utilized for any other purpose.



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7. Insofar as community hall area is concerned, it is to be utilized for the purpose of construction of community hall, which is to be utilized for the said purpose by the people of that locality. At the outset, the specifications stated in the approved layout sketch are to be scrupulously followed and insofar as the shop area is concerned, that alone is saleable, which has already been sold by the promoter in favour of individual persons. The individual persons, who have purchased the shop area, have to construct only shops and the said area cannot be utilized for any other purpose.

8. The respondents 1 to 8 are directed to conduct an inspection and ensure that the relevant statutes and rules as well as the layout has been maintained as per the specifications stated in the approved layout sketch and in the event of any violation, all appropriate actions are to be initiated. If the common area is sold or utilized for any other purpose, necessary actions are directed to be initiated for resuming the said area for the purpose for which it was originally specified. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

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

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Revenue Divisional Officer,
Melur Revenue Division,
Vellaripatti, Madurai-District.
- 2.The Tahsildhar,
Madurai East Taluk,
Y.Othakadai, Madurai District.
- 3.The Joint Sub Registrar No.1,
Madurai North,
Rajakembiram,
Y.Othakadai,
Madurai District.
- 4.The Deputy Director of Town
and Country Planning,
Office of the Deputy Director of
Town and Country Planning,
Madurai Region,
Anaiyur-Mudakkathan Road,
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Madurai-625 017.



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- 5.The Block Development Officer,
O/o.The Block Development Office,
Madurai East, Madurai.
- 6.The District Collector,
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and
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