



W.P.(MD) No.16884 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16884 of 2025

Ponnammal

... Petitioner

Vs

1.The State of Tamilnadu,
Rep. by the Secretary,
Department of Town and Country Planning,
Secretariat,
Chennai.

2.The Assistant Director of Town Planning,
Office at Assistant Director of Town Planning (Panchayath),
Madurai Region,
Anayur,
Madurai District.

3.The Block Development (Village Panchayath),
Melur,
Madurai District.

4.Sub Registrar,
Melur West,
Madurai District.



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5.Sethu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the second respondent to cancel the Layout approval in Ma.Va.Ma.Na.oo.A(Madurai District) 85/2024, dated 17.10.2024 in respect of survey No.95/7B, measuring an 1 acre 24.75 cents at A.Valayapatti Village, Melur Taluk, Madurai district by way of considering the petitioner's representation dated 03.06.2025.

For petitioner : Mr.R.Venkatesan

For respondents :Mr.J.K.Jayaselan
Government Advocate for R1 & R2
Mr.P.T.Thiraviam
Government Advocate for R3
Mr.G.Suriyananth
Additional Government Pleader for R4

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2, learned Government Advocate for the third respondent and learned Additional Government Pleader for the fourth respondent and after dispensing with the notice to the fifth respondent as no adverse orders are proposed to be passed against the fifth respondent.

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2. The petitioner has filed this Writ Petition for a Mandamus to direct the second respondent to cancel the Layout approval in Ma.Va.Ma.Na.oo.A(Madurai District) 85/2024, dated 17.10.2024 in respect of survey No.95/7B, measuring an 1 acre 24.75 cents at A.Valayapatti Village, Melur Taluk, Madurai district by considering the petitioner's representation, dated 03.06.2025.

3. It is the case of the petitioner that the land in question was purchased by the petitioner's mother way back in the year 1967 and the said land was settled in favour of the petitioner in the year 1983 by a settlement deed, dated 13.07.1983 as Doc.No.1312 of 1983 and that one Rajendran created forged document and has registered two sale deeds on 09.03.1990 as Doc. Nos.304/1990 and 478/1990, totally for an extent of 1.6 acres. After the death of the said Rajendran, his son, namely, Vedharajan has sold the land to the fifth respondent and one Jeyaraj on 02.09.2021 *vide* Doc. No.2289 of 2021.

4. The further case of the petitioner is that subsequently, the petitioner's daughter, namely, Nallaponnu has also filed a suit before the Sub Court, Melur in O.S.No.103 of 2022 for partition of the said property, wherein the said



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Vedharajan, Sethu and Jeyaraj are also the defendants. Therefore, the layout approval granted to the fifth respondent should not be acted upon.

5. The Writ Petition is opposed by the learned Government Advocate for the respondents 1 and 2 stating that the petitioner has an alternate remedy under the provisions of the Layout Permission Order, dated 17.10.2024, before the Government and therefore, this Writ Petitions is liable to be dismissed.

6. I have considered the arguments advanced by the learned counsel for the petitioner and learned Government Advocate for the respondents 1 and 2.

7. This Writ Petition is dismissed at the time of admission, as it is not maintainable. If it is the case of the petitioner that the sale deeds executed in favour of the said Rajendran, who is the father of the Vedharajan, are forged one, it is for the petitioner to have filed a suit to declare the sale deeds as null and void. Till date, no steps have been taken by the petitioner to declare the sale deeds made in the year 1990 in favour of the said Rajendran as null and void.



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8. The said Rajendran and his son Vedharajan have, in turn, sold the land to the Jeyaraj and fifth respondent, who have now obtained Layout Permission Order from the second respondent under the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

9. The relief in the present Writ Petition has cleverly drafted as Mandamus. When indeed the petitioner is aggrieved by the layout approval, the petitioner has an alternate remedy under the provisions of the Layout Permission Order, dated 17.10.2024, only after the petitioner secures a decree in a suit to declare the sale in favour of the said Rajendran as null and void. Hence, this Writ Petition is liable to be dismissed.

10. Accordingly, this Writ Petition is dismissed. No costs.

Index : Yes / No

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Internet : Yes / No

apd

To

1.The Secretary,
Department of Town and Country Planning,
Secretariat,
Chennai.



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C.SARAVANAN, J.

apd

2.The Assistant Director of Town Planning,
Office at Assistant Director of Town Planning (Panchayath),
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Anayur,
Madurai District.

3.The Block Development (Village Panchayath),
Melur,
Madurai District.

4.Sub Registrar,
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