



W.P.(MD)No.18982 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.18982 of 2022

1. Stanislas Stalin
2. Syed Mustafa.M
3. Shamsudeen.M ... Petitioners

/Vs./

1. The District Collector,  
Trichy District, Trichy.
2. The Deputy Director of Town  
and Country Planning, Trichy – 620023.
3. The Assistant Director of Panchayats,  
Trichy.
4. The District Registrar  
Trichy.
5. The Sub Registrar  
Thiruverumbur Registration Office,  
Trichy District.
6. The Thiruverumbur Panchayat  
Union, Through its Commissioner,  
Thiruverumbur, Trichy District.



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7. Krishnasamudram Panchayat

Through its President, Thiruverumbur  
Panchayat Union, Trichy District.

8. Ezhil Nagar Anaithu Makkal Valarchi Mandram,

Represented by its Secretary,  
S.Rajkumar,

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 herein to entertain the register all documents if they are otherwise in order in respect the housing plots in Survey Nos.612, 613/2, 615/3, 616/2 , 617/2, 618 and 611 and in 610/1, 2, 3, 611/2 in Krishnasamudram Panchayat- Semmankulam Village, Trichy Taluk and also to entertain and grant building plan approval for the constructions to be put up in those lands if they are otherwise in order.

For Petitioners : Mr.VR.Shanmuganathan

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader for R1-3

: Mr.M.Sarangan

Additional Government Pleader for R4&5



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### **ORDER**

This Writ Petition has been filed for a direction, directing the respondents 1 to 7 herein to entertain the deed of conveyance in respect the housing plots comprised in Survey Nos.612, 613/2, 615/3, 616/2 , 617/2, 618 and 611 and in 610/1, 2, 3, 611/2 in Krishnasamudram Panchayat- Semmankulam Village, Trichy Taluk.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioners owned properties comprised in Survey Nos.612, 613/2, 615/3, 616/2 , 617/2, 618 and 611 and in 610/1, 2, 3, 611/2 in Krishnasamudram Panchayat - Semmankulam Village, Trichy Taluk. These properties were subjected for lay out approval and DD TCP and the sixth respondent approved the lay out vide plan approval No.33/1985 and proceedings in Na.Ka.No.108/85. These properties were subdivided into house plots containing 416 and 144 house plots. As per the lay out, the areas earmarked as open space reserves, like road, park, children play,



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drainage, mayanam, places prohibiting residential houses etc and were handed over to the local body by the promoters. In the same lay out , 4,75,498 sq.ft was earmarked for the purpose of an industry, such as small scale industries, cottage industries, trade purposes and petrol bluk. Those areas are salable one. Therefore, the promoters approached the authorities once again in the year 2009, seeking further permission to form lay out for those areas. It was approved by the panchayat by passing resolution and presented before the DD TCP authorities for lay out approval. It was considered and the lay out was approved. Accordingly, the said land has been approved. The second respondent by its proceedings dated 17.07.2018 and 25.01.2018 by identifying the said plots as sold plot, enabling the regularization of plots sold prior to 20.12.2016 and subject to the condition mentioned therein. Accordingly, plots were regularized. However, the seventh respondent issued letter to the fifth respondent, raising objection stating that plots were regularized, without no objection certificate from the seventh respondent.

4. On perusal of the counter filed by the seventh respondent and on submissions made by the learned Additional Government Pleader, it



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revealed that as per the original layout approval, the property comprised in 610/1, 2,3, 611/2 ad-measuring to an extent of 0.6.92 hectares was lay out, in which the subject property was earmarked for the purpose of small scale industries, cottage industries, trade purposes and petrol bluk. As per Sections 47 and 48 of the Town and Country Planning Act, it can not be converted for other purposes and it cannot be alienated. As stated supra, after original lay out, the property which was ear-marked for the purpose of industries was subjected for lay out approval. As per the circular dated 29.12.2018 issued by the Director of Town and Country Planning, Chennai, used conversion of salable for the public building in approved lay out into residential lay out. Accordingly, the Director of Town and Country Planning, Chennai, issued orders for conversion of used for public purpose (salable only) to other allowable uses like residential etc, if the conditions stipulated are fulfilled. The salable plot / site ear marked has not been developed for the ear marked purposes and lying vacant for at least five years from the date of planning permission granted by the planning authority. The same public purpose facility for which the plot is ear-marked i.e., Kalyana Mandapam, Community hall, School, Dispensary etc., is available outside the approved layout within a



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vicinity of 2 to 3 Kms. The subject property was originally ear-marked for the purpose of small scale industries, cottage industries, trade purposes and petrol bluk. However, in the year 2009, it was not used for the purpose in which the same was ear marked as per the original layout. Therefore, the developers approached once again for conversion of the said property in to house plots and obtained approval on plot lay out approval.

5. It is also evident from the proceedings of the second respondent dated 17.07.2018 and 25.01.2019, that the subject property is identified as sold property, enabling the regularization of plots sold prior to 20.10.2016 and subject to the conditions mentioned therein. The petitioners being the purchasers of their respective plots had applied for regularization and got regularized after payment of necessary fees. Therefore, there is no impediment for the registering authority to register any deed of conveyance in respect of the subject property.

6. With the above direction, this Writ Petition stands disposed of. It is made clear that it any area in the above said survey numbers



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earmarked for other common purpose, such as playground, park, road etc., (non salable area) cannot be permitted to alienate. No costs.

Internet : Yes/No  
NCC : Yes / No  
LS

**21.01.2025**

TO:-

1. The District Collector,  
Trichy District, Trichy.
2. The Deputy Director of Town  
and Country Planning, Trichy – 620023.
3. The Assistant Director of Panchayats,  
Trichy.
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**G.K.ILANTHIRAIYAN, J.**

LS

Order made in  
**W.P.(MD)No.18982 of 2022**

Dated:  
**21.01.2025**  
(2/2)