



W.P.(MD) No.22471 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22471 of 2018

and

W.M.P(MD)No.20327 of 2018

SP.Muthuraman

.. Petitioner

Vs.

1.Pudukottai Municipality,
Rep. by its Commissioner,
Pudukottai,
Pudukkottai District.

2.The Town Planning Officer,
Pudukottai Municipality,
Pudukottai.

3.The Deputy Director,
Town and Country Planning,
Sivagangai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.2235/2017/F1 dated 21.02.2017 and quash the same as illegal and consequently direct the respondents to re-convey the land in Town



W.P.(MD) No.22471 of 2018

Survey No.8548/1 and 8548/6 located at Vattavatti Village, Pudukottai Town, Pudukottai District to the petitioner.

For Petitioner : Mr.P.Pandiarajan
For R1 : Mr.P.Mahendran
For R2 & R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for the following relief :

“To call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.2235/2017/F1 dated 21.02.2017 and quash the same as illegal and consequently direct the respondents to re-convey the land in Town Survey No.8548/1 and 8548/6 located at Vattavatti Village, Pudukottai Town, Pudukottai District to the petitioner.”

2. It is the case of the petitioner the land comprised in T.S.No. 8548/1 and 8548/6, Vattavatti Village, Pudukottai Town, Pudukottai District belongs to Late.M.S.Chokkalinga Chettiar, Late.Valliyappa and



W.P.(MD) No.22471 of 2018

the petitioner. Total extent measured 12.43 and was a vacant land. By order, dated 27.09.1985, the 3rd respondent had granted approval for forming house site in an extent of 8.94 acres along with commercial plots from out of the extent of 12.43 acres. The remaining extent was to be maintained as open space.

3. The petitioner would submit that at the time of grant of approval, there was a proposal to the 3rd respondent to form a outer ring road between housing sites and Thirumayam road. It is further submitted that from the housing plot area to Thirumayam road, it is measure 150 feet. Therefore, in order to obtain the approval and avoid formation of road within the housing plots, the petitioner and others had executed a gift deed on 31.05.1989 in favour of the 1st respondent with a condition that the land would be used only for the purpose of the formation of the road, not for any other purpose. Therefore, the gift deed had clearly indicated that the gift was only for the purpose of formation of ring road and not for any other purpose.



W.P.(MD) No.22471 of 2018

WEB COPY

4. The petitioner would submit that thereafter, the 1st respondent had formed only 40 feet road and had not formed any road in the remaining area which was gifted to the 1st respondent. The petitioner later came to learn that the respondent had dropped the proposal for forming the outer ring road which is clear from the fact that there is no continuation of the road into 150 feet vacant space.

5. The petitioner would submit that contrary to the intention of the gift deed, the 1st and 2nd respondents had constructed public toilet and public hall in the vacant site, which constrained the petitioner to file W.P.(MD)No.1988 of 2017 seeking a direction to the respondent to consider his representation, dated 07.01.2017 filed for removal of the encroachment. By an order, dated 13.02.2017, the writ petition was allowed and the respondent was directed to consider the petitioner's representation and pass orders. By his proceedings, dated 21.02.2017, the 1st respondent passed an order stating that the lands had already been gifted to the Municipality and the construction of the toilet and hall were in the land which belong to the Municipality. That apart, the construction



W.P.(MD) No.22471 of 2018

had taken place two years earlier. Challenging the same, the petitioner has filed the present writ petition.

6. One Puratchivel had filed W.P(MD)No.12617 of 2017 for a mandamus directing the respondent to consider his representation dated 27.06.2017. In which, the petitioner therein and the villagers had expressed their apprehension that the public toilet and hall constructed in T.S.No.8548/3 was likely to be demolished. By an order, dated 13.07.2017, the Hon'ble Division Bench of this Court had passed the following order :

3.In response to the allegations made in the writ petition, the Commissioner, Pudukottai Municipality has filed his counter affidavit dated 12 July 2017 in which, it has been mentioned that there is no plan whatsoever to remove the community hall and toilet. Of course, the third respondent would claim that Kozhukkattai Karuppar temple is existence in T.S.No.8548/3, whereas the community hall and public toilet are situated in T.S.No. 8548/6. Since it is admitted by the third respondent that the community hall was put up under Sworna Jayanthi Sahahari Rozgar Yojana Scheme and the toilet was constructed under Valmiki Ambedkar Awas Yojana, the



W.P.(MD) No.22471 of 2018

WEB COPY

question of demolishing such constructions put up by using public funds cannot arise. Both the community hall as well as public toilet are serving public interest.

4.Since the third respondent has clarified that the apprehension of the writ petitioner is unfounded, we record the submission made by the third respondent that there is no proposal of demolishing the community hall and public toilet. In this writ petition, no further orders are therefore necessary.

7. Therefore, he would submit that the challenge to the impugned order cannot be sustained. That apart, the gift has been done as early as in the year 1989 and the public toilets as well as the hall had been constructed even as early as in the year 2004.

8. Heard the learned counsels on either side.

9. The petitioner in the guise of this writ petition seeks to review the order passed by the Hon'ble Division Bench of this Court in W.P(MD)No.12617 of 2017 wherein the Hon'ble Division Bench had



W.P.(MD) No.22471 of 2018

directed that the hall and the public toilets cannot be demolished. That apart, the petitioner has gifted the property to the Panchayat and had also executed a gift deed to this effect. The Panchayat has also taken over the property in question. The marriage hall and the toilets have been put up in the year 2004 itself. The petitioner has chosen to challenge the same only in the year 2017. There is no explanation given in this petition for the delay. In these circumstances, I find no reason to interfere with the impugned order. That apart, the order of the Hon'ble Division Bench has been passed after the impugned order rejecting the representation of the petitioner herein.

10. Therefore, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

31.10.2025

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

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W.P.(MD) No.22471 of 2018

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W.P.(MD) No.22471 of 2018

P.T.ASHA, J.

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W.P.(MD) No.22471 of 2018

31.10.2025