



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 1955 of 2026

T.Jayachandran

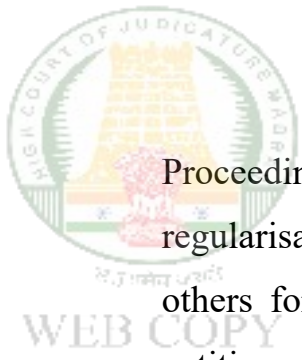
..Petitioner(s)

Vs.

1. The Collector
Thiruvallur district,
Office of the District collector,
Thiruvallur.
2. The Commissioner
Town and Country Planning authority,
Opp. to LIC Building,
Anna Salai, Chennai 02.
3. The Assistant Director
Town and Country Planning authority,
Thiruvallur Division,
No. 43/397 II floor, Indira Gandhi Salai,
Rajajipuram Part II,
Thiruvallur District.
4. The Block Development Officer,
Block Development Office,
Thiruvallur.

.. Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in its proceedings Na.Ka.No.1793/2025/Thiruvallur-2 dated 03.11.2025, and also the impugned order dated 24.04.2024 in



Proceedings No.Oo/Mu/MP/1082/24/Thiruvallur-2 rejecting the regularisation application dated 15.02.2024 submitted by S.Jayakumar and others for regularisation of housing plots rejecting the application of the petitioner to regularize the housing plot, and quash the same and consequently direct the 3rd respondent Authority to forward the application for regularization dated 05.08.2025 to the 4th respondent for regularization of the housing plot of the petitioner and to pass appropriate orders within the time frame.

(Prayer amended vide Order dated 02.02.2026 made in WMP.No.3904 of 2025 in W.P.No.1955 of 2025 by VLNJ)

For Petitioner : Ms.M.Saraswathi

For Respondents : Mr.L.S.M.Hasan Fizal

Addl.Govt.Pleader – R1 to R3

Mr.Prabu Saravanan

for Mr.P.Vijaya Devi

Govt.Advocate – R4

ORDER

The petitioner is the owner of the property bearing Plot No.25, Sakthi Nagar measuring an extent of 1800 sq.ft. He had purchased the same from one, Mr.G.Vedachalam by way of a registered document in Doc.No.2990/2025 dated 25.02.2025. He applied for regularisation of the unapproved plot by way of an application dated 05.08.2025, referring to G.O.Ms.Nos.78, Housing and Urban Development Department dated 04.05.2017. The same was rejected. The ground of rejection was that the petitioner had purchased the property after the cut off date fixed under the



said G.O. dated 20.10.2016. Challenging the same, the present writ petition is before this Court.

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2. While going through the affidavit filed in support of the writ petition, it become clear that even before the application was filed by the petitioner seeking regularisation of plots, his vendors had moved a similar application seeking regularisation of the same and it was alleged to be pending.

3. The petitioner, being a purchaser from the previous owners, would certainly have the right to pursue the application filed by his vendors seeking regularisation . Hence, I called upon Mr.LSM.Hasan Fizal to report as to the fate of the application filed by the petitioner's vendors.

4. When the matter came up for hearing on 29.01.2026, Mr.L.S.M.Hasan Fizal reported that the application filed by his vendors had been rejected on 24.04.2024 . Mr.M.L.Ramesh pleaded that the said order was not communicated to him. Immediately, Mr.L.S.M.Hasan Fizal served a copy of the order dated 24.04.2024. At that stage, Mr.M.L.Ramesh sought leave of this Court to amend the prayer challenging the order dated 24.04.2024. Leave was granted and the amendment application was ordered.



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5. I heard Mr.M.L.Ramesh, for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for contesting respondents.

6. Mr.M.L.Ramesh pointed out that the property to an extent of 2.60 cents originally belonged to one Subbaraya Mudaliar. The said Subbaraya Mudaliar had formed an unapproved layout on 18.07.2006 . He had also executed a Gift Deed for transfer of the roads and areas reserved for common amenities in favour of Venmanampudur village panchayat by way of a registered document in Doc.No.7733/2006.

7. After Subbaraya Mudaliar passed away, his legal heirs partitioned his properties. The partition covered several immovable properties including the housing layouts called Sakthi Nagar, Selvavinayagar Nagar, Saravana Nagar, Balaji Nagar, Lakshmi Nagar, Kalaivani Nagar and Subburayan Nagar Annexe. In terms of the Partition Deed entered into Doc.No.16015/2007, this plot fell to the share of Mr.S.Ganavadivel, son of Subbaraya Mudaliar. After Ganavadivel passed away, the petitioner's vendor, Mr.G.Vedachalam , being the son of Ganavadivel succeeded to the estate.

8. It was this Vedachalam, who, on the strength of the Partition Deed, had applied for regularization of the plots which fell into his father's



share. However, the same was rejected on the ground that there was no Sale Deed executed by Subbaraya Mudaliar in favour of Ganavadivel or by Ganavadivel in favour of Vedachalam prior to 20.10.2016. Hence, according to Mr.M.L.Ramesh, the impugned order reflects non-application of mind and has to be interfered with.

9. According to him, the properties which remained undivided during the life time of Subbaraya Mudaliar, came to be partitioned after his death on 18.09.2007. He states that this is partition deed relating to his vendor's father, Ganavadivel is his parent deed. Therefore, he contends that the pedantic approach adopted in reading Clause (3) of G.O.Ms.78 [Housing and Urban Development (UD4(3)) Department dated 04.05.2017, and in rejecting the request for regularization on that basis, requires interference by this Court.

10. Mr.L.S.M.Hasan Fizal has placed reliance upon the instructions given to him by the Assistant Director , District Town and Country Planning Officer, Tiruvallur, and urged that the partition deed is not a sale deed and therefore, cannot be considered as a document within the meaning of clause (3) of the said G.O. Hence, he states that the impugned order is perfectly justified and does not require any interference. He also further states that there is a provision to prefer an appeal against the impugned order to the



second respondent and that, even if such appeal were go to against the petitioner, he has a remedy by way of revision before the Government. He states that without exhausting the alternate remedy, the petitioner has approached this Court. Hence, he seeks dismissal of this writ petition.

11. I have carefully considered the submissions of both sides and have also gone through the records.

12. The purpose of issuing G.O.Ms.No.78 dated 04.05.2017 was to regularize the plots in unapproved layouts /subdivisions, so as to protect the interests of innocent purchasers, and also to provide basic infrastructure facilities. The other object of issuing the G.O was to ensure that discontiguous pockets of development, which cause enormous difficulty to local bodies in providing services and infrastructure to isolated regularized plots, are addressed. It was under those circumstances that the Government decided to permit regularization, not only of entire layouts, but also of individual plots which were sold and registered on or before 20.10.2016.

13. It is not in dispute that Subbaraya Mudaliar had laid out several extents of his properties into Housing Plots. One such plot is Plot No.25. This plot, along with the other plots, fell to the share of Ganavadivel, the father of the petitioner's vendor. Insofar as Mr.Ganavadivel is concerned,



his title deed would be the partition deed executed between himself and the other legal heirs of Subbaraya Mudaliar. The purpose of the G.O was to enable a person, who has obtained the property to seek regularization. To demand a sale deed between legal heirs of the original owner would be wholly misconceived, since upon the death of Subbaraya Mudaliar, all his legal heirs became co-owners. In order to avoid litigation and to settle their family affairs, they entered into a registered Partition Deed vide Doc.No.16015/2007 dated 18.09.2007 .

14. After the death of Ganavadivel, the petitioner's vendor succeeded to the estate. He did not have any individual rights as long as his father was alive. If Ganavadivel could have applied for regularization on the basis of the Partition Deed, I find no reason why his son, being the legal heir or successor-in-interest of the said Ganavadivel, is entitled to maintain the application for regularization.

15. The averments made in the affidavit also point out that the layout had been developed and a Gift Deed had been executed during the lifetime of Subbaraya Mudaliar in the year 2006 and 2007. The Village Panchayat, which had taken possession of the roads , had also started maintaining the road and parks for the residents of the locality.



16. A reading of Section 2(12) of the order defines a plot holder in the following terms:-

2(12) : “Plot holder” means, a person in whose name the plot is registered with a registered sale deed **or Title Deed** executed on or before 20.10.2016.

17. A perusal of the G.O. shows that the intention of the Government was to enable a plot holder, who had obtained a title deed in his favour, to seek regularization of plots situated in an unapproved layout. Since Ganavadivel had obtained the property in the year 2007 by way of a registered document, he would fall within the meaning of “plot holder” in Regulation 2(12). That being so, the purchaser from Ganavadivel through his son, would also be entitled to the benefit of regularization.

18. Furthermore, the impugned order does not take into consideration that Partition Deed amounts to a division of ownership which exists between co-owners. Prior to Partition, each co-owner is entitled to every part of the property like any other co-owner. By virtue of the Partition Deed entered into between the plot owners, the Joint title was divided and an individual title is vested in respect of the properties which fall to each co-owner. This situation is clearly captured under Clause 2(12). Therefore, the pedantic approach as suggested by Mr.M.L.Ramesh, cannot be adopted while



interpreting Regulation 3. If Regulation 3 is carefully perused, it shows that as proof and evidence, the plot owner or the layout promoter is required to furnish copies of the Sale Deed or Title Deed relating to the plots sold . The usage of the words “plot owner” and “title deed” shows that where a property has been held in common and divided by way of a Partition Deed, such person would also be entitled to move an application for regularization .

19. Admittedly, the registration document in favour of Ganavadivel came into force in the year 2007, which is much before the cut off date of 20.10.2016. Therefore, the impugned order necessarily has to be set aside. Accordingly, it is set aside.

20. This Writ Petition is ordered. The second respondent shall pass orders for collecting the fees as fixed under G.O.Ms.No.78, [Housing and Urban Development (UD4(3)] Department dated 04.05.2017, and upon such fees being paid, shall pass appropriate orders regularizing plot No.25 of Sakthi Nagar purchased by the writ petitioner. No costs.

02-02-2026

Index : Yes/No
Interent : Yes/No
Neutral Citation : Yes/No
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V. LAKSHMINARAYANAN, J.

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