



WEB COPY

WP No. 4337 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 4337 of 2026

Suguna

..Petitioner(s)

Vs

1. The Assistant Director,
District Town and County Planning,
No.34, Tamil Muthu Nagar, Kondoor,
Cuddalore District.
2. The Block Development Officer,
Cuddalore Village Panchayat, Cuddalore
District.

..Respondent(s)

Prayer: This writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records of the impugned rejection order passed in Na.Ka.1091/2025 Kama dated 15/12.2025 issued by the 1st respondent to and quash the same as illegal and consequently direct the first respondent to regularize the plots in S.No.30/2 to an extent of 0.30.0 hectares (0.75 cents) old S.No.65/4 based on the documents submitted by the petitioner.

For Petitioner(s) : Ms.A.Nethra

For Respondent(s) : Mr.L.S.M.Hasan Fizal, AGP for R1
Mr.G.Ameedius, GA for R2

**ORDER**

Heard Ms.A.Nethra, for the petitioner, Mr.H.S.M.Hasan Fizal for the first respondent and Mr.G.Ameedius, Government Advocate for the second respondent.

2. The petitioner states that her father, one Ranganatha Reddiyar, had executed a gift deed, in her favour on 09.07.2012. The gift deed cover the property situated in old S.No.65/4, New S.No.30/2 of Kondur Village, Cuddalore Taluk and District. The gift deed was registered in Doc.No.3070 of 2012 on the file of the District Registrar, Cuddalore.

3. The petitioner states that she laid out the 75 cents into 13 residential plots of varying extents. Insofar as the plots Nos.7 to 12 are concerned, she executed a gift deed in favour of her sister, Ms.S.Shanthi and retained plot Nos.1 to 6. As the layout was not preceded with an approval, the petitioner filed an application for regularisation on 14.07.2025. This application came to be rejected by the impugned order dated 15.12. 2025. The reason for rejection being that the petitioner's application was not supported by a sale deed, but with only by the gift deed executed by her father. Challenging the same the present writ petition.



4. The Government came out with GO.Ms.78 Housing and Urban Development Department [UD4(3)] dated 04.05.2016 invoking Section 113 r/w. Section 122 of the Tamil Nadu Town and Country Planning Act, 1971. The purpose of the GO. was to enable the persons, who had laid out their plots without prior approval from the town planning authorities, to approach the appropriate authorities and get regularisation of the plots on the layout, or payment of regularisation charges. Such a GO. was necessitated, on account of large number of unapproved layouts having been developed all over the State, the same been alienated to innocent purchasers.

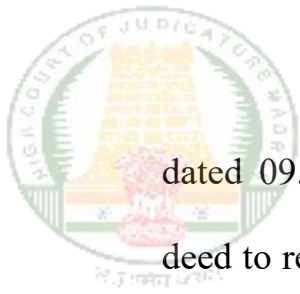
5. With third party interests having intervened, it was not possible to convert the layout into their original use for regularisation. These rules were titled “Tamil Nadu Regularisation of Unapproved Plots / Layouts Rules, 2017”. In terms of **Rule 2(12)**, a plot holder who is defined as a person in whose name the plot is registered with a **sale deed or title deed** executed on or before 20th of October, 2016. The cut off date is fixed under Rule 3 of the Rules. Under Rule 3, only such unapproved layout, where a part or full number of plots, has been sold through registered sale deeds, as of 20th of October, 2016, will be entitled to be considered for regularisation. The later part shows that, individual plots registered by a **sale deed or title deed** as on 20th of October, 2016 would also be entitled for regularisation.



6. The rules demand, as proof of evidence, the plot holder or layout promoter to furnish the copies of sale deed or title deed for the plots sold. The only exception being that agreement holders or power of attorney holders were not entitled to produce them as evidence.

7. Under Section 54 of the Transfer of the Property Act, 1882, an agreement of sale does not confer any right in the immovable property. Since a general power of attorney deed has been declared by the Supreme Court as not conveying title (*See, Ramesh Chand v. Suresh Chand, 2025 SCC Online SC 1879*), the exclusion or agreement or sale on general power of attorney is understandable. The use of the word “Sale or Title deed” under Rule 3 indicates that the applicant plot holder should produce a document, by which the title to the property, has been vested with him or her. Similarly, under Rule 2(10), layout promoter means the owner or authorised person of any land including a registered Co-operative Society or association, which has developed the layout.

8. The petitioner has admitted that she had developed the layout in the aforesaid survey number. Apart from that, she is in possession of plot Nos.1 to 6. She does not claim that she has purchased the property. Her case is that, she had come by the property, by virtue of a gift deed executed by the previous owner, her father, Mr.Ranganatha Reddy. Insofar as the petitioner is concerned, the tile deed for his property would be the gift deed in Doc.No.3070 of 2012



dated 09.07.2012. When the application was accompanied with the said gift deed to reject the document saying there is no sale deed reflects a very pedantic approach to GO.Ms.No.78 and misreading of Rule No.2(10), 2(12) and Rule 3 of the aforesaid Rules. The impugned order has not noticed these definitions and has rejected the application on the ground that the petitioner does not have a sale deed.

9. This reflects patent non-application of mind and as well as referring to irrelevant materials to arrive at a wrong conclusion. Hence, I am constrained to interfere. The writ petition is allowed. The impugned order is quashed. The proceedings stand restored on to the file of the first respondent. The first respondent shall calculate the regularisation fee, payable by the petitioner, and collect the same and thereafter process the application in accordance with law. No costs.

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN, J.

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