



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 11335 of 2025
and WMP Nos. 12778 & 52348 of 2025**

Rukmani

..Petitioner(s)

Vs

1. The District Collector
Ariyalur.
2. The Assistant Director
District Town And Country Planning Office,
34B17/A2, Melagraharam Street, Ariyalur.
3. The Commissioner
Jayakondam Municipality, Jayakondam,
Ariyalur District.
4. The Sub Registrar
Jayakondam, Ariyalur.
5. Rajarajan
6. Sasirekha

..Respondent(s)

Prayer : This petition has been filed under Article 226 of the Constitution of India, directing respondents 1 to 3 to obtain gift deed from the 5th and 6th respondents and also formation of two public road measuring 25 X 35 square feet and another road 25 X 40 feet as per DTCP approval in no.15/2019 in survey numbers 81/16, 77/7 and 82/2 measuring 3.793 acres in Jayankonda chozhlapuram Village, Udayarpalayam, Ariyalur District.



For Petitioner(s):

Ms.R.Poornima

For Respondent(s):

Mr. N.Naveen Kumar, GA, R1, R2 And R4.

Dr.T.Seenivasan SGP, R3

Mr.K.S.Saravanan, R5

Mr.G.Pugazhenthhi, R6

ORDER

Heard Ms.R.Poornima for the petitioner, Mr.N.Naveen Kumar for the first, second and fourth respondents, Dr.T.Seenivasan for the third respondent, Mr.K.S.Saravanan for the fifth respondent and Mr.G.Pugazhenthhi for the sixth respondent.

2. The petitioner and the respondents 5 and 6 are adjacent land owners. The petitioner owns property situated in Jayankonda Cholapuram Vilage at the following survey Nos:-

“ 81/7A, 80/10A2, 81/4B, 81/5B, 81/5C, 80/9,
81/6B, 81/6C, 80/1H, 81/6A & 81/7B”

The respondents 5 and 6 are owners of the property situated in Survey Nos. 81/16, 77/7 and 82/2 of the very same village.

3. Aridasan, the predecessor in title of the respondent Nos. 5 and 6, promoted a layout for the aforesaid properties. The layout was an unapproved



one. He handed over certain roads to the Local Body. This was done as early as 2004. Subsequently, taking advantage of the regularization scheme brought about by the Government, Aridasan and respondent No. 5 and the husband of the respondent No.6, applied for and obtained DTCP approval in Approval No. 15 of 2019.

4. One of the conditions for granting approval was that two roads would have to be formed and gifted to the Local Body. In addition, it also called upon the three applicants to execute gift deeds for the park and other areas set apart for common usage. These gift deeds were amongst the conditions for regularizing their unapproved layout.

5. The petitioner claims that though the respondents obtained the approval six years ago, till date, the gift deeds for the roads and park have not been executed. Hence, she moved the respondents by way of a representation calling upon them to ensure that the gift deeds for properties, which have to be gifted as per the layout approval, are executed. The second respondent passed an order on 03.09.2024, directing the Commissioner, Jayankondam Municipality, Ariyalur District, to ensure that the road and other areas are gifted to the local body. Despite this order having been passed, at least 1 ½ years ago, as nothing had progressed, the petitioner is before this Court.



6. The petitioner states that on account of the non-execution of the gift deed, the petitioner is not in a position to have access to her property and thereby develop her property also.

7. Mr.K.S.Saravanan and Mr.G.Pugazhenthii urged that a gift deed has been executed as early as 2004 itself, by Aridasan and hence, there is no necessity for any further gift deeds. In any event, they pointed out the petitioner, being a neighbor, has no *locus standi* to maintain this writ petition for the relief sought for. The second respondent stands by the letter that was written by him on 03.09.2024.

8. Insofar as the petitioner is concerned, if the roads are gifted, then she would be in a position to develop her own property. In addition to that, statutorily in terms of Section 49 of the Town and Country Planning Act, the Director of Town and Country Planning or his subordinates are entitled to pass an order directing a person, who seeks development of his or her land, to set apart certain portions of the land for public purposes. This is the because under Section 49(2)(c), the planning authority at the time of granting permission for any development has to keep in mind the future development and maintenance of the planning area. The area in concern is Cholapuram village of Jayankondam Taluk. In his wisdom, the second respondent at the time of



granting approval to the layout had exercised his power and had approved a plan, which contains two additional roads, a park and other common areas. In order to ensure that the land owners do not claim any exclusive right over the same, he had granted an approval subject to the condition that gift deeds are executed for the aforesaid areas.

9. The respondent Nos. 5 and 6 are not entitled to enjoy the benefits of the layout approval, and at the same time, deny the execution of the duty cast upon them. To put up in very simple words, respondents 5 and 6 are not entitled to alienate the property in favour of third parties on the basis of the approval granted in approval 15/2019 and refuse to execute the other part of the order, which is executing the gift deed for the two roads, park and other public areas. Option was available to the respondents 5 and 6 either to accept the layout approval or if aggrieved, by the directions contained therein, to prefer an appeal to the Director under Section 76 of the Town and Country Planning Act. Having accepted the approval as it stands, it does not lie in the mouth of the respondent Nos. 5 and 6 to state that they will develop the layout, but will not execute the gift deed.

10. The action of the third respondent is equally surprising. The second respondent had specifically directed the third respondent by order dated



03.09.2024 to get the documents executed to ensure compliance with the layout approval 15/2019. The petitioner has been constrained to approach this Court only because the reliance that she placed upon the respondent No.3 has not been satisfied.

11. When a State Authority is bound to execute certain public duties and fails to do it, the persons affected by such non-performance of the public duty certainly has the *locus standi* to approach this Court and seek for enforcement of that duty.

12.As the layout approval is not in dispute and so are the conditions imposed therein, this writ petition is disposed of with the following directions:-

- (i) Since the respondents 5 and 6 are refusing to comply with the conditions imposed by the second respondent to execute the gift deed for two roads, park and other common areas, the second respondent shall initiate immediate proceedings to cancel the approval granted to the layout in layout No. 15 of 2019; and
- (ii) During the course of the proceedings, the second respondent will put the respondents 5 and 6 on notice and give a last opportunity to them to execute the document.



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(iii) In case, they refuse to do so, since the power to grant also includes the power to revoke, the second respondent shall revoke the approval immediately and communicate the same to the respondents 3 and 4.

(iv) As the right of the respondents 5 and 6 to alienate the property in a layout, is restricted by virtue of Section 22A of the Registration Act which would otherwise be unapproved, the 4th respondent shall not register any documents presented with respect to the property situated in Survey Nos. 81/16, 77/7 and 82/2 of Jayankonda Cholapuram Village, Udayarpalayam Taluk, Ariyalur District till an intimation is given to him by the 2nd respondent that the respondents 5 and 6 have complied with the conditions for layout approval 15 of 2019.

No costs. Consequently, connected miscellaneous petitions are closed.

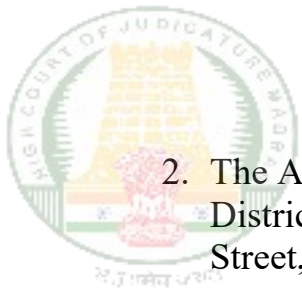
26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Maya

To

1. The District Collector
Ariyalur.



2. The Assistant Director
District Town And Country Planning Office, 34B17/A2, Melagraharam
Street, Ariyalur.
3. The Commissioner
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V.LAKSHMINARAYANAN, J.

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