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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K. SURENDER**

WP No. 12375 of 2024

and

WMP No. 13494 & 13496 of 2025

1.S.Nirmala Devi

W/o. Late C.Sathyanarayana Reddy, No.19,
Rangabashyam Chetty Street, Saidapet,
Chennai-600 015

2.S.Sangeetha

D/o. Late C.Sathyanarayana Reddy, No.19,
Rangabashyam Chetty Street,
Saidapet, Chennai-600 015

3.S.Sujatha

D/o. Late C.Sathyanarayana Reddy, No.19,
Rangabashyam Chetty Street,
Saidapet, Chennai-600 015

4.S.Indira

D/o. Late C.Sathyanarayana Reddy, No.19,
Rangabashyam Chetty Street, Saidapet,
Chennai-600 015

(all Petitioners 1 to 4 are Rep. By Their Power of
Attorney, Mr. N.Sai Prasad Reddy, S/o.
N.Reddappa Reddy, No. 11/6 Khan Street,
Choolaimedu Chennai 94)

..Petitioner(s)

Vs

1.The District Collector

Office Of Collectorate,

No. 62 Singaravelar Maligai, Rajaji Street,
Chennai 600 001

2.The Revenue Divisional Officer

Chennai Central Division, Anna Nagar (w)



Extension Chennai 101

3.The Tahsildar

Mambalam Taluk, Bharathidasan Salai, K.K.

Nagar Chennai 78

4.Anjugam Nagar Residents Welfare Association

Rep. By Its President B.Babu, No. 45/ 40 2nd

Street, Anjugam Nagar , Jafferkhanpet Chennai
83

5.The Chennai Metropolitan

Development Authority, Thalamuthu Natarajan

Maaligai, No.1, Gandhi Irwin Road, Egmore,
Chennai.600 008.

6.The Greater Chennai Corporation,

Ripon Building, Chennai.600 003.

(R5 and R6 are Impleaded as per order dated
30.04.2024 In WP.12375/2024 by CJ and
JSNPJ)

7. K.Gopinath,

S/o M.A.Kannaian

aged about 64 years,

13A, Vembuli Sudebar Street,

Alandur, VTC Alandur, PO St.Thomas Mount,

Alandur District, Kancheepuram,

Tamilnadu 600 016

(R7 impleaded as per order dt.2.4.2026

made in WMP.13496/2024 by SMSJ & KSJ)

..Respondent(s)

To call for the records on the file of the 1st respondent herein in
Na.Ka.No. J5/ 8118/ 2023 dated 25.03.2024 quash the same and pass

WP No. 12375 of 2024

For Petitioner(s):

Mr.V.Ragavachari,
Senior Counsel for
Mr.M.Deivanandam

For Respondent(s):

Mr.T.Arun kumar,
Addl.G.P. for R1 to R3



Mr.T.Mohan,Senior Counsel
for Mr.K.M.Vivekanandan for R4
Mrs.P.Veena Suresh,
Standing Counsel for CMDA for R5
Mr.D.B.R.Prabhu,
Standing Counsel for GCC for R6
Ms.P.Elakkiya for R7

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The lis on hand has been instituted challenging the order of the District Collector, Chennai District, dated 25.03.2024, holding that the subject property in the writ petition is allotted for developing a public park in an approved lay out. Thus, the District Collector held that the writ petitioners are not entitled to possess the land based on the sale deed, which was executed without any authority under law.

2. The issues emanated from and out of the complaint raised by Anjugamnagar Residents Welfare Association, in a lay out formed at Anjugam Nagar, Jafferkhanpet, Chennai. Since the complaint was not taken on file, a writ petition in W.P.No.29153 of 2019 came to be instituted by the Residents Welfare Association and the Division Bench of this Court passed final order on 13.04.2023, directing the District Collector to issue notice to all the parties concerned, verify the documents, plan approval, title deeds etc., submitted by the parties and take all necessary action for removal of encroachments, if any, after providing sufficient opportunity to all the parties concerned. The said exercise is directed to be completed within a period of eight weeks .

3. In pursuance to the above order of the Division Bench of this Court, the District Collector, undertook the process of enquiry, by issuing notice to all



the parties. The petitioners participated in the process of enquiry and submitted their written submissions as well as their documents for consideration. Final order was passed holding that Plot Nos.5, 6 & 7 purchased by the petitioners are earmarked for developing a park in an approved lay out and therefore, they are not entitled for the relief.

4. Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of the petitioners would mainly contend that the District Collector found that no documents are available including the approved lay out. There is no details regarding allotment of Plot Nos.5, 6 & 7 as Open Space Reserve area nor park and in the absence of any documents, the decision of the Collector is perverse and to be set aside. He drew the attention of this Court with reference to the sale deed executed between the petitioners and their vendors as well as the documents relating to property tax assessment issued by corporation, building plan permission, patta, etc. Relying on all those documents, the learned Senior Counsel would urge this Court by stating that there is no materials available on record to establish that the portion of the land was allotted for developing a park in the lay out and even the approved lay out plan was not available with the Collector and for all these reasons, the writ petition is to be allowed.

5. The learned Additional Government Pleader would oppose by stating that the District Collector has considered the grounds raised by the petitioners before this Court. The residents association also submitted their explanations stating that the lay out was initially not approved and subsequently, the



residents made a request to the developer that they are unable to secure bank loan and subsequently, an application was submitted seeking lay out plan approval which was granted on 12.06.2023 by the competent authority under the Tamilnadu Town and Country Planning Act. Even in the approved lay out, the said portion of land i.e., Plot Nos.5, 6 & 7 are ear-marked as park. However, relying on Plot No.4, the petitioners would claim their portion of the plot is not falling under the park area. Thus, all further actions are to be dropped.

6. Mr.T.Mohan, learned Senior Counsel appearing on behalf of the Residents Welfare Association would submit that, based on their complaint and in pursuance of the order of this Court, action was initiated. Plot Nos.5,6 & 7 are allotted for developing a public park for the benefit of the residents of the lay out. Pertinently, these plots are kept vacant for several years and only in the year 2008, through a Power of Attorney holder, the petitioners purchased subject Plots and this raises several suspicious circumstances and the District Collector considered these facts and held that the petitioners are not entitled for any relief.

7. Ms.P.Elakkiya, learned Counsel for the impleaded respondent would also submit that the impleaded petitioner is the original owner/developer of the lay out and there is a dispute pending between the family members and a civil suit in C.S.No.252/1996 has been instituted on the file of the Original Side of High Court of Madras and the said suit is filed for partition. Pertinently, the writ petitioners are parties in the said suit. Therefore, the order of the Collector is



in accordance with law and the writ petition is to be rejected.

8. Mr.D.B.R.Prabhu, learned Standing Counsel for the Corporation would also support the contentions of the learned Additional Government Pleader by stating that as per the lay out, a portion of the land has been marked as public park. Therefore, the Corporation has already taken and possession of Plot Nos.5,6, & 7 and a decision has been taken to develop public park for the benefit of the residents of lay out as well as the people residing in that locality. It is made clear that the subject property now is under the possession of Chennai Corporation.

9. This Court has considered the rival submissions made between the parties to the lis.

10. The only issue to be considered in this litigation is that,

(i)whether the subject portion of land, more specifically, Plot Nos. 5, 6 & 7 are ear marked as park in the approved lay out or not?

(ii) Even if it is an unapproved lay out, if a particular portion is ear marked as common purpose area, whether such area is to be treated as a land belonging to local authority or not?

11. Adjudication made before the District Collector would show that the President of Anjugam Nagar Residents Welfare Association appeared before the Collector and during the course of enquiry, placed the fact that Anjugam Nagar lay out, subject to Ward No.138, Chennai Corporation, Kodambakkamm Village. S.No.260/1A, Jafferkhanpet, Chennai-83, was sold by Mr.E.K.Pattibaram Reddiar in the year 1970-71 by laying out his land into



67 residential plots. Initially, lay out approval was not obtained from the competent authority. The purchasers of the plots were unable to apply for bank loans and made a request to the developer to get lay out approval. Thereafter, an application was submitted seeking lay out approval in the year 1973. The lay out plan approval was granted by the competent authority, vide Ma.Paa.Ma.Na No.170/73 on 12.06.1973 and Plot Nos.4,5,6 & 7 are allotted for developing a park as per the Town and Country Planning Act and Rules. Plot No.57 was recognised as a shop site (commercial purpose) as per the lay out approval plan. Since the above plot numbers are ear-marked as park, the land is to be restored by the Chennai Corporation and a park be developed for the benefit of the people residing in that locality.

12. The Collector has called for the records. Initially, the approved lay out plan was not produced before the District Collector. However, the fact regarding the sanction of approved lay out was not denied before the District Collector. But subsequently, the approved lay out was produced by the Residents Welfare Association by obtaining a copy of the same under the RTI Act on 30.03.2010 and the said approved lay out has been produced before this Court.

13. Since the fact regarding lay out approval was not denied between the parties, the Collector proceeded to consider the merits based on the written submissions as well as the documents produced between the parties. The District Collector made a finding in detail and the relevant portions are



extracted hereunder.

The Building Licence Permission, D.Dis.572/77 dated 21.05.1997, for plot no.4 submitted by titleholder of plot no.4 Tmt.Suchithra has been issued to Tr.Veerappasamy and valliammai by the Executive Officer, Kodambakkam Town Panchyat Office. Besides, Building plan approval, P.P.A.116/1984, has been accorded too plot no.4 to construct building once again in the year 1984. The place adjacent to the approved plot no.4 i.e., plot nos. 5, 6, 7 mentioned above was allotted for the park in the layout plan. The approval document mentioned above was proved during the perusal in the enquiry of this office.

Plot no.4 has been sold in the year 1973 and has since been in continuous use as a house. Therefore, the above mentioned plot no.4 is considered a plot.

But plot nos.5, 6 and 7 were not sold since 1977 and had remained indeed as vacant plots without being in any kind of usage. Though Tr.Sai Prasad Reddy had informed that he had obtained the general power of attorney for the site mentioned above, it is also clear that no sale was made and that there are no buildings in the plots mentioned above and that those were not used for any other purpose.

Moreover, it is clear upon perusal of the sale deeds submitted by the petitioner and the Respondents, the building plan approval and the revenue documents that plot nos.5, 6 and 7 are meant for park and that Tmt.Suchithra is the titleholder of plot No.4.

It is therefore ordered cancellation of the filing of T.S.No.5, Block No.135, Kodambakkam Town, Mambalam Taluk, Chennai District, in favour of the titleholders S.Nirmala, S.Sangeetha, S.Sujatha and S.Indira



Priyadarshini and to maintain the same in favour of Greater Chennai Metropolitan Corporation.

The Tahsildar and Revenue Divisional Officer are ordered to carry out the corrections duly in the computerised Permanent Land Register as mentioned above.

14. This Court has perused the copy of the approved lay out of the year 1973. Plot Nos. 4, 5, 6 & 7 are ear marked as park. That apart, there is a cloud regarding the purchase of the subject plots by the petitioners as raised by the impleaded respondent. That apart, the plots were sold through the Power of Attorney holder in the year 2008 and till such time, the plots remained vacant for more than three decades. The Corporation made a submission that the possession has already been taken over by the Chennai Corporation and they are in the process of developing a public park in that locality. The District Collector, based on the documents, held that the lay out was approved in the year 1973 and as per the lay out the disputed plot Nos.5,6 & 7 are ear marked as park. Therefore, the said land cannot be sold in favour of any person and any such sale will become null and void in view of the provisions of the Town and County Planning Act and the rules framed thereunder and also in view of the judgment of the Hon'ble Supreme of India that the public purpose land cannot be utilised for any other purpose other than the purpose for which it has been earmarked in the approved lay out.

15. Importance and maintenance of common purpose land including OSR lands have been considered by the Hon'ble Supreme Court of India in the case of ***Association of Vasanth Apartments' Owners vs. V.Gopinath***



and others¹ 2023 SCC Online 137. The principles enunciated in paragraph 184(VI) would show that the areas allotted for OSR cannot be diverted for any other purpose. The respondents are duty-bound to ensure that the area set apart as OSR is utilised only for the purpose in the Rule/Regulation. We direct that no area meant for OSR shall be utilised as dumping yards or any other purpose other than as OSR.

16. The Division Bench of this Court in the case of **V.N.R. Welfare Association vs. The District of Town and Country Planning Authority** in W.P.No.3873 of 2013 etc., dated 26.02.2024, held as follows:

“9. At the outset, the planning permission/layout approval granted under the provisions of the Act is to be followed for all the purposes and any conversion, encroachments, misuse or otherwise are to be dealt with in accordance with law and all structures, constructions, encroachments are to be removed by following the procedures. Encouraging such unauthorized constructions, conversions or deviations would result in an anomalous situation, where greedy men will be again and again tempted to commit such W.P.Nos.3873, 24934 and 24935 of 2017 and 26578 of 2013 illegality, which is detrimental to the environment and the very purpose and object of the scheme of Town Planning will be defeated. Therefore, scrupulous adherence of the planning permission by the competent authorities are imminent and deviations are to be dealt with in accordance with law. Unless actions are taken, there is no scope for peaceful living for future generation. We are duty bound to ensure that the environmental aspects are protected

¹2023 SCC Online 137



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for the well-being of the people of that locality and peaceful life being an integral part under Article 21, such rights are to be protected by the authorities by following the provisions of the Act and Rules.

10. In view of the principles discussed above, the Commissioner, Coimbatore City Municipal Corporation is directed to scrutinize the files of the writ petitioners/owners/persons claiming right/persons claiming possession individually and identify the encroachments, illegalities, violations etc., if any and accordingly, issue fresh show-cause notice to all the persons and thereafter, on receipt of objections, if any and proceed with the eviction of encroachers, demolition of unauthorized constructions, removal of obstructions etc., in the manner contemplated under the provisions of the Statutes and Rules in force. It is made clear that all such W.P.Nos.3873, 24934 and 24935 of 2017 and 26578 of 2013 encroachments, illegalities and violations are to be removed by scrupulously following the procedures and by affording opportunity to the parties. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order. In respect of places where the Coimbatore City Municipal Corporation Act is inapplicable, the report is to be submitted to the jurisdictional Tahsildar for the purpose of evicting the encroachments, if any, by invoking the provisions of the Tamil Nadu Land Encroachments Act, 1905 or the appropriate Statutes and Rules in force.”

17. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure that the process through which the decision taken by the competent authority is in consonance with the Statutes



and Rules, but not the decision itself. Neither the High Court, in exercise of power of judicial review nor the revenue authority under the special enactment is empowered to adjudicate the title/ownership in respect of an immovable property. Mere reliance placed on by the petitioners regarding the Corporation property tax assessment, patta, revenue records etc. *per se* would not confer any title. Title/ownership is to be adjudicated in a trial nature proceedings before competent civil court of law in the manner contemplated. In the event of adjudication of such disputed issues of civil nature in a writ petition, it may result in causing prejudice to any one of the parties or miscarriage of justice. Thus, the High Court or the revenue authority are not expected to venture into an adjudication relating to civil rights of the parties in respect of immovable properties, which is to be undertaken by the competent civil court of law. In the present case, a Civil suit for partition in respect of the subject portion of the land is subjudiced before the Original Side of the High Court of Madras in C.S.No.252/1996.

18. In the present case, the petitioners claim civil right in respect of the common purpose area as per the authorities. The subject portion has been earmarked as park in the approved lay out and the approved lay out is placed before this Court. If contrary fact is to be established, the petitioners have to approach the civil court of law. High Court cannot declare title in respect of the subject property. This being the principles to be adopted, this Court is of the considered view that the District Collector has passed a reasoned order, based on the documents as well as the written submissions made between



the parties. Beyond the order of the District Collector, the approved lay out placed before this Court would show that the subject portion of the land has been earmarked as “park”.

19. In view of the said factum, the petitioners have not established any acceptable ground for the purpose of interfering with the order impugned in the writ petition. Consequently, the Writ Petition stands dismissed. No costs. W.M.P.No.13494 of 2024 is ordered in payment of separate court fee and W.M.P.No.13496 of 2024 is closed.

(S.M.S.,J.) (K.S.,J.)
02-04-2026

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

vsi

To

1.The District Collector
Office Of Collectorate, No. 62 Singaravelar
Maligai, Rajaji Street Chennai 01

2.The Revenue Divisional Officer
Chennai Central Division, Anna Nagar (w)
Extension Chennai 101

3.The Tahsildar
Mambalam Taluk, Bharathidasan Salai, K.K.
Nagar Chennai 78

4.The Chennai Metropolitan
Development Authority, Thalamuthu Natarajan
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WEB COPY

WP No. 12375 of 2



**S.M.SUBRAMANIAM J.
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