



W.P.No.14863 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14863 of 2020

and

W.M.P.Nos.18457 of 2020 & 27233 of 2025

K.Banumathi

... Petitioner

Vs.

The Village Panchayat President,
Keelakaavaathukudi Village,
Thiruvarur Taluk,
Thiruvarur District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the respondent Na.Ka.No.3352/2020/B5 dated .08.2020 and quash the same.

For Petitioner : Ms.J.Jothi

For Respondent : Mr.M.Sivavarthan
Government Counsel



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ORDER

The present writ petition has been filed challenging the impugned proceedings of the respondent dated 08.2020 directing the petitioner to handover the community hall site to the local body.

2. The case of the petitioner is that she derived house properties and a vacant site reserved for a community hall, namely, Ammalu Ammal Nagar, situated at Keelakaavaathukudi Village, Thiruvarur Taluk and District through a Settlement Deed dated 21.03.2012 executed by her brother, V.Sambath who was the promoter of the layout. According to the petitioner, though the promoter had executed a gift deed in favour Thiruvarur Panchayat Union in respect of roads, streets, parks and other common areas for obtaining layout approval, the site earmarked for the community hall was not handed over to the local authority and was retained by the promoter. It is the further case of the petitioner that the said community hall site was also conveyed to her under the Settlement Deed dated 21.03.2012. Pursuant thereto, patta was transferred in her favour and she has been in possession



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and enjoyment of the property. According to the petitioner, the community hall does not form part of the land gifted to the local authority and therefore, she is entitled to hold and enjoy the same as lawful owner. However, all of a sudden, the impugned order has been passed by the respondent alleging that the petitioner had failed to handover the community hall to the local body.

3. The learned counsel appearing for the petitioner submits that the issues involved in the present writ petition relate to disputed questions of fact, title and possession over the subject property and therefore, the petitioner may be permitted to work out her remedies before the competent Civil Court. The learned counsel accordingly sought permission to withdraw the writ petition with liberty to approach the competent forum for appropriate relief.

4. Per contra, the learned Government counsel appearing for the respondent would submit that Sampath, the brother of the petitioner, was the original owner and promoter of the layout known as Ammalu Ammal Nagar, situated at Keelakavathukudi Village, Thiruvarur Taluk & District. While



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seeking layout approval from the competent authorities, the promoter was required to earmark and gift the lands reserved for public purposes to the local body in accordance with the statutory requirements. He further submitted that pursuant to the layout approval granted by the Director of Town and Country Planning, the promoter executed a gift deed dated 04.02.1988 in favour of Thiruvarur Panchayat Union. However, though the lands were earmarked in the approval layout for public purposes such as school, park, overhead tank, playground, road and community hall, the promoter had failed to handover the entire extent reserved for public purposes to the Panchayat except the roads. Since the property had already been reserved for public purpose under the approved layout, the promoter executed a settlement deed in favour of the petitioner by executing the land reserved for the purpose of community hall. Hence, finding that the land earmarked for the community hall had not been handed over to the local body, the respondent passed the impugned order.

5. This Court has carefully considered the submission made on either side and perused the materials available on record.



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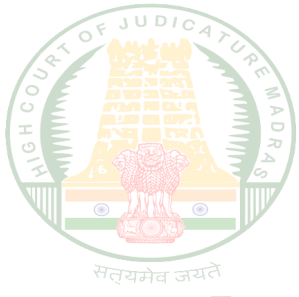
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6. Considering the nature of the dispute and the rival claims made by the parties with regard to the ownership of the subject property, this Court is of the view that the issues raised in the writ petition cannot be effectively adjudicated in the proceedings under Article 226 of the Constitution of India. Accordingly, this Writ Petition is disposed of, granting liberty to the petitioner to approach the competent Civil Court for appropriate relief in the manner known to law. It is made clear that this Court has not expressed any opinion on the merits of the claims and all issues are left open to be decided by the competent forum. The period of pendency of this writ petition before this Court shall stand excluded for the purpose of computing limitation, if the petitioner initiates appropriate proceedings before the competent Civil Court. No costs. Connected miscellaneous petitions are closed.

10.06.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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M.DHANDAPANI, J.

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