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W.P. No. 17484 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 17.02.2026**

**CORAM**

**THE HON'BLE Mr. JUSTICE V.LAKSHMINARAYANAN**

**W.P. No. 17484 of 2018  
and W.M.P. No. 20762 of 2018**

1. S.Mayilsamy Gounder (Deceased)

2. Ramalakshmi

3. Nageswaran

4. Senthil Kumar

5. Vijay Kumar

(P2 to P5 are impleaded vide order  
dated 18.11.2024 in W.M.P. No. 4226 of 2022)

Vs.

...Petitioners

1. The Deputy Director of Panchayat,  
Collectorate Buildings,  
Tiruppur.

2. The Special Officer,  
Periakattai Panchayat cum  
Block Development Officer,  
(Village Panchayat),  
Udumalpet Block,  
Tiruppur District.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondent in proceedings in Na.Ka. No.587/17/A1 dated 06.09.2017 and quash the same.



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For Petitioner : Mr.N.Umapathi

For Respondent : Mr.N.Naveen Kumar (for R1 & R2)

## ORDER

The writ petition challenges the order passed by the second respondent dated 06.09.2017. Under the said order, the original order dated 26.07.2017 granting layout approval has been cancelled for ‘administrative reason’ and the writ petitioner had been called upon to surrender additional land to an extent of 48.29 cents. The original writ petitioner passed away pending the litigation, and hence, his legal heirs have been brought on record as petitioner nos. 2 to 5. For the sake of convenience, the parties will be referred to as the writ petitioners and the respondents.

2. The writ petitioners developed a residential layout under the name and style of “*Sundara Gounder Layout*”, “*Sundar Nagar Extension – I*” and “*Sundar Nagar Extension – II*” at Periakottai Village, Udumalpet Taluk, Tiruppur district. The petitioners applied for and obtained permission for development of the layout through the proceedings of the second respondent dated 26.07.2017. The Director of Town and Country Planning had issued instructions calling upon the layout developers, to hand over the area marked



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for streets, open space, park, playfield, to the concerned Local Bodies. Hence, the writ petitioner was called upon the second respondent to execute a Gift-deed for the aforesaid areas. The second respondent deputed the Deputy Block Development Officer to conduct an inspection of the layout and earmark the extent of the lands that the writ petitioner has to handover to the Local Body. The inspection was conducted and a report was submitted to the Block Development Officer. The respondent stated that an extent of 1.53 acres, comprising of all the three layouts, would have to be handed over to the Local Body. Consequent to that report, proceedings were issued by the Block Development Officer on 26.07.2017 calling upon the petitioner to execute Gift deeds to an extent of 1.53 acres. He also communicated the said proceedings to the Sub-Registrar, Udumalpettai to entertain documents for registration in the layout, only after the Gift-deeds are executed.

3. In terms of the proceedings of the second respondent, the writ petitioner executed a Gift-deed on 17.08.2017. This document was registered in Document No. 6024 of 2017 on the file of the Sub Registrar at Udumalpettai. A perusal of the Gift-deed, which has been placed before this Court, shows that document covers an extent of 43 cents in “*Sundara Gounder*” layout, an extent of 55.8 cents in “*Sundar Nagar Extension – I*”, and an extent 54.2 cents in “*Sundar Nagar Extension – II*”. Each of the aforesaid divisions are set forth in



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the Schedule to the registered Gift-deed. After the documents had been executed, the impugned order has come to be passed.

4. The impugned order states that for administrative reasons, the orders originally passed is cancelled (நிர்வாக நலன் கருதி ரத்து செய்து உத்தரவிடப்படுகிறது). It also called upon the petitioners to execute a Gift-deed for a larger extent. Challenging the same, the present writ petition.

5. I heard Mr.N.Umapathi for the petitioner and Mr.N.Naveen Kumar for the respondents.

6. Since the aforesaid facts are not in dispute, this Court straight away proceeds to the discussion of the impugned order. It is not in dispute that the second respondent had arrived at 1.53 cents, on the basis of the report of the Deputy Block Development Officer. Acting on the order of the second respondent dated 26.07.2017, the petitioner has also changed his position by executing a document in favour of Periakottai Panchayat, the concerned Local Body. Even in the letter addressed to the Sub-Registrar, Udumalpettai, the Block Development Officer had stated that the petitioner is liable to execute a Gift-deed to an extent of 1.53 acres. He has given a break up as to how he has arrived at this figure in page No.2 of the said proceedings.



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7. A perusal of the impugned order shows that nowhere as he obtained any further report to show that some lands had escaped the attention of the Deputy Block Development Officer or himself and hence, there is an error in the original order dated 26.07.2017. The reason trotted out “administrative reasons”. It cannot be countenanced for the simple reason that, when the petitioner is called upon to surrender lands for, of which he is the owner, it has to relate to some provision of law under which such demand is made. The impugned order is bereft of reasons. The source on the basis of which the order came to be passed has also not been disclosed. It is also not stated that subsequent to the order dated 26.07.2017, the petitioner had developed some further lands and hence, he is liable to surrender some more extent towards common amenities.

8. Since the impugned order cannot be sustained, the same is quashed. This writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

17.02.2026

Index : Yes/No  
Internet: Yest/No  
Speaking or Non-speaking order

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**V.LAKSHMINARAYANAN, J.**

*Maya*

To

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Collectorate Buildings,  
Tiruppur.
2. The Special Officer,  
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