



WEB COPY



W.P.No.22313 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.22313 of 2021

and

W.M.P.No.23544 of 2021

G.Gajendran

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collectorate,
Chengleput Region,
Chengleput.
- 2.The Director,
Directorate of Town & Country Planning,
C.M.D.A. Office Complex, 2nd & 3rd Floor,
E&C Market Road,
Koyambedu,
Chennai – 600 107.
- 3.The Deputy Director of Town & Country Planning,
Chengleput Region,
124, G.S.T. Road,
Chengleput.

4.A.Kabilan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified Mandamus, to call for the records

pending on the file of the 2nd respondent vide



W.P.No.22313 of 2021

Na.Ka.No.1795/2021/TCP-5, dated 25.09.2021 and the consequent order passed by the 3rd respondent vide Na.Ka.No.237/2021/Se.Ma.3 dated09.2021 (signed on 27.09.2021) and quash the same on the ground of principal of natural justice and direct the 3rd respondent to restore the order vide Na.Ka.No.237/2021/Se.Ma.3 dated04.2021 (signed on 12.04.2021).

For Petitioner	:	Mr.S.Charuhasan for M/s.P.C.Harikumar and Associates
For RR 1 to 3	:	Mr.N.NaveenKumar Government Advocate
For R4	:	Mr.V.Chandrasekaran

ORDER

Heard Mr.S.Charuhasan for M/s.P.C.Harikumar and Associates, Mr.N.NaveenKumar, Government Advocate for respondents 1 to 3 and Mr.V.Chandrasekaran for the 4th respondent.

2.The 4th respondent had been benefited with an order granting layout approval by the respondents 1 to 3 for a land situated at Nallambakkam Village, Vandalur Taluk, Chengalpet District, comprised in S.No.2B/3 and S.No.2B/4, measuring to an extent of 74 cents. The said order was suspended on a complaint made by the writ petitioner.



W.P.No.22313 of 2021

Subsequently, the suspension order has been revoked by the impugned order.

3.The case of the petitioner is that the property situated in Survey Nos.2B/3 and 2B/4 of Nallambakkam Village, Vandalur Taluk, Chengleput District, originally belonged to his great grandmother, one Amma Kannammal. According to him, Amma Kannammal and none of his ancestors had ever alienated the property. He states the 4th respondent had created a record as if his father Ganesa Naicker has sold the property in his favour by way of two documents in Document No.7557 of 1983 and Document No.1755 of 1989. It is his case that the sale deeds are fabricated or forged, and that the same are not binding on him. He further adds that Ganesa Naicker had executed two settlement deeds in his favour in Document Nos.3365 and 3366 of 2013.

4.Taking note of the alleged fraudulent activity of the 4th respondent, the petitioner lodged a compliant with the respondents 2 & 3. It was these respondents, who had granted approval to the application filed by the 4th respondent, for layout development. On the strength of this approval, the petitioner had also executed gift deeds in favour of the local body. On the facts set forth in paragraph No.3, being brought to



W.P.No.22313 of 2021

their notice, the respondents 2 & 3 suspended the approval granted by them in approval No.903/2018.

5.On coming to know of the order of suspension, the 4th respondent approached this Court by way of a writ petition in W.P.No.17199 of 2021. By an order dated 17.08.2021, this Court directed the Director of Town and Country Planning to consider the objections made by the petitioner, as well as the 4th respondent herein, and pass appropriate orders.

6.Subsequently, by another order dated 16.09.2021, this Court recorded the fact that on 06.09.2021, the prayer made by the writ petitioner and his father had been rejected by the District Registrar through his proceedings dated aforesaid. Consequently, this Court directed the temporary suspension to be revoked by the respondents 2 & 3. On the strength of this order, the revocation of the suspension order come to be passed. Challenging the same, as aforesaid, the present writ petition.

7.The narration of the facts shows that there is a dispute as regards the title to the property situated at Survey Nos.2B/3 and 2B/4 of Nallambakkam Village, Vandalur Taluk, Chengleput District.



W.P.No.22313 of 2021

Mr.S.Charuhasan states that against the order passed by the District Registrar canceling the settlement deed, he has preferred an appeal and the same is pending with the appellate authority.

8.I should point out that this Court, speaking through a Division Bench, has declared Section 77-A & 77-B of the Registration Act as unconstitutional in *M.Kathirvel Vs. Inspector General of Registration, (2024) 4 CTC 769*. Once the Section has been declared as unconstitutional, the issue of pursuing the appellate remedy does not arise anymore. The authority can deal with an appeal only if there is a corresponding statutory provision available. When the provision itself has been struck down, the pendency of the appeal cannot be cited as a ground for challenging the order of revocation of suspension granted earlier.

9.The order passed by the respondents 2 & 3 is in line with the orders passed by this Court in W.P.No.17199 of 2021, dated 16.09.2021. Once this Court had ordered the suspension to be revoked, all that the respondents had to do is to record the same and pass consequent orders.

10.Mr.S.Charuhasan states that the documents, on the basis on which the 4th respondent claims his right to the property are forged and



W.P.No.22313 of 2021

fraudulent. If that be the situation, the remedy for the petitioner is to approach the jurisdictional Civil Court seeking for appropriate declaratory reliefs. Challenging the order passed in consequence to an order passed by this Court will not benefit the petitioner in any manner. Leaving it open to the petitioner to approach the jurisdictional Civil Court to work out his rights, this petition stands dismissed.

11. Accordingly, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

17.02.2026

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1. The District Collector,
Office of the District Collectorate,
Chengleput Region, Chengleput.

2. The Director,
Directorate of Town & Country Planning,
C.M.D.A. Office Complex, 2nd & 3rd Floor,
E&C Market Road, Koyambedu,
Chennai – 600 107.

3. The Deputy Director of Town & Country Planning,
Chengleput Region,
124, G.S.T. Road, Chengleput.

6/7



WEB COPY



W.P.No.22313 of 2021

V.LAKSHMINARAYANAN, J.

krk

W.P.No.22313 of 2021 and
W.M.P.No.23544 of 2021

17.02.2026