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W.P.No.21684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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And

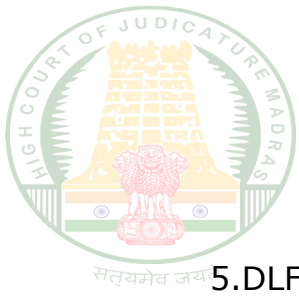
W.M.P.Nos.23658, 23659 and 23660 of 2024

- 1.G.Parthasarathy
- 2.G.Amudha
- 3.S.Vasanthi
- 4.D.John
- 5.B.Epsiba

... Petitioners

Vs.

- 1.The Deputy Director of Town and Country Planning,
2nd, 3rd and 4th Floor, CMDA Office,
E&C Market Campus,
Koyembedu – 600 107.
- 2.The Special Officer/ Block Development Officer,
Thiruporur Panchayat,
Vandalur Taluk,
Chengalpattu District.
- 3.Thiruporur Sub-Registrar
No.23, South Mada Street,
Thiruporur – 603 110.
- 4.Erasma Builders and Developers Private Limited
1st Floor DLF Gateway Tower, R Block
DLF City Phase 3, Gurgaon,
Gurugram,
Haryana, 122002.



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5.DLF Southern Towns Private Limited
1st Floor DLF Gateway Tower, R Block
DLF City Phase 3, Gurgaon,
Gurugram,
Haryana, 122002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the impugned Gift Deed dated 09.03.2021 executed by the fourth respondent in favour of the second respondent, bearing Document No.4296 of 2021, registered on the file of third respondent and consequent proceedings of the first respondent vide Na Ka 180/2021 Ma U Thi Ku (Che-Ma-5) dated 12.11.2021 as illegal, null and void.

For Petitioners : Mr.Vikram Veerasamy

For Respondents : Mr.C.Prabakaran for R1 to R3
Government Counsel
Mr.Jayes B.Dolia for R5
for M/s.Aiyar & Dolia
R4 – No Appearance

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Declaration to declare the Gift Deed dated 09.03.2021 executed by the fourth respondent in favour of the second respondent,



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bearing Document No.4296 of 2021, registered on the file of third respondent and consequent proceedings of the first respondent vide Na Ka 180/2021 Ma U Thi Ku (Che-Ma-5) dated 12.11.2021 as illegal, null and void.

2.The learned counsel appearing for the petitioners submitted that the petitioners are the legal heirs of one Sundari Ammal. The said Sundari Ammal owned land measuring 1.37 acres of land in S.No.107/15 in Puthupakkam Village, Chengalpattu Taluk, Kancheepuram District and she executed general power of attorney appointing one Rangasami Naicker as her power agent. The said Sundari Ammal died on 12.07.2003, however, the said Rangasami Naicker executed four sale deeds, two sale deeds dated 21.11.2006 and two sale deeds dated 28.11.2006 in favour of one R.Mahendran and thereafter the said Mahendran sold the said land to the fourth respondent. The fourth respondent appointed the fifth respondent as their power agent and the respondents 4 and 5 formed layout and the fourth respondent executed Gift Deed dated 09.03.2021 in favour of the second respondent, bearing Document No.4296 of 2021, registered on the file of third respondent and the fifth respondent obtained approval from the first respondent.



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3.The learned counsel appearing for the petitioners further submitted that once Sundari Ammal died, the general power of attorney executed by her gets terminated. After the death of Sundari Ammal, the said Rangasami Naicker executed four sale deeds, two sale deeds dated 21.11.2006 and two sale deeds dated 28.11.2006 in favour of one R.Mahendran and he sold the said land to the fourth respondent and on the basis of the said sale deed, the respondents 4 and 5 formed layout and obtained approval from the first respondent which is not sustainable one.

4.The learned counsel appearing for the fifth respondent submitted that the petitioner has not challenged the four sale deeds executed by Rangasami Naicker in favour of Mahendran, however, has challenged the consequent gift executed by the fourth respondent in favour of the second respondent and the approval given by the first respondent. The learned counsel further submitted that unless the petitioner challenges the four sale deeds, two sale deeds dated 21.11.2006 and two sale deeds dated 28.11.2006 executed by Rangasami Naicker in favour of R.Mahendran, the prayer sought for by the petitioner in this writ petition is not sustainable one.



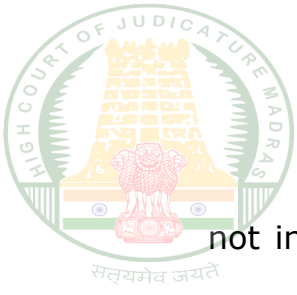
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5.Heard both side and perused the materials available on record.

6.The petitioners claim that they are the legal heirs of one Sundari Ammal and also claim that the said Sundari Ammal owned land measuring 1.37 acres of land in S.No.107/15 in Puthupakkam Village, Chengalpattu Taluk, Kancheepuram District and she executed general power of attorney appointing one Rangasami Naicker as her power agent and she died on 12.07.2003 and thereafter the said Rangasami Naicker executed four sale deeds, two sale deeds dated 21.11.2006 and two sale deeds dated 28.11.2006 in favour of one R.Mahendran, however, the petitioners have not challenged the four sale deeds executed by the said Rangasami Naicker either before the competent civil Court or before this Court. Without challenging the said four sale deeds, challenging the consequential gift deed and approval from the first respondent is not sustainable one.

7.Further, the dispute in the writ petition is purely civil in nature which involves disputed question of fact which can be adjudicated only before the competent civil Court. Hence, this Court is



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not inclined to interfere with the impugned gift deed executed by the fourth respondent and impugned proceedings of the first respondent.

8.This writ petition is dismissed. Liberty is granted to the petitioners to approach the competent civil Court in the manner known to law. If the petitioners approach the competent civil Court, the concerned civil Court is directed to decide the issue inbetween the petitioners and the private respondents, without being influenced by any of the observations made in this order and the petitioners and the private respondents are at liberty to raise all the points before the civil Court.

9.This writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

22.06.2026

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



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