



WEB COPY

WP No. 35676 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 35676 of 2024
and
WMP.No.38533 of 2024**

Rani Rajan Babu

..Petitioner(s)

Vs.

1. The Directorate of Town and Country Planning,
Government of Tamil Nadu,
C & E Market Road, Koyambedu,
Chennai-600 107.
2. The Deputy Director of Town and Country
Planning,
Cuddalore Region, No.34,
Tamizh Muthu Nagar, Kondur,
Cuddalore-607 006.
3. The President,
The Gram Panchayat, Naduveerapattu,
Cuddalore Taluk, Cuddalore -607 102.
4. The Sub Registrar,
O/o.Nellikuppam Sub Reigstrar,
Nellikuppam, Tamil Nadu.
5. Gopinath
6. Rajalakshmi
7. Rajasekaran



8. Saraswathi

9. Mahudeswaran

..Respondent(s)

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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 1st and 2nd respondents to dispose of the petitioner's representation dated 07.11.2024 for cancellation of the layout approved in DTCP No.133 of 2023, Naduveerapattu Village, Cuddalore in terms of the Section 54 of the Tamil Nadu Town and Country Planning Act, 1971 within a fixed time frame.

For Petitioner(s): Mr.Abishek A.M. for Mr.D.Carounagarane

For Respondent(s): Mrs.S.Anitha
Special Government Pleader for R1 to R4
Mr.C.A.Diwakar for R5 to R9

ORDER

This Writ Petition has been filed seeking issuance of writ of mandamus, directing the 1st and 2nd respondents to dispose of the petitioner's representation dated 07.11.2024 for cancellation of the layout approved in DTCP No.133 of 2023, Naduveerapattu Village, Cuddalore in terms of the Section 54 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The learned counsel appearing for the petitioner would submit that in the present case, there is a suit filed in O.S.No.230 of 1977 for partition and without passing any final decree proceedings, the layout approval was granted. Hence, the present writ petition is filed for cancellation of layout approval.



3. The learned counsel appearing for the respondents 5 to 9 would submit that they are the persons entitled for share in the property. He would submit that the private respondents 5 to 9 also sold the properties to form the layout. Accordingly, the layout was formed by one S.Dinesh, who has not impleaded as respondent in the suit. Further, he would submit that originally the suit for partition was filed in O.S.No.230 of 1977, preliminary decree passed on 25.07.1979 and rights of the parties have already been decided. Based on the said decision, the final decree was not able to be passed due to the reasons that the parties themselves orally agreed to have the earmarked portions. Accordingly, the same was sold and layout formed. If at all final decree is passed based on the oral partition between the parties, they are supposed to have passed an order based on the said agreement. Therefore, he would submit that if at all there is anything, the same can be decided in the suit pending before the civil Court.

4. Heard the learned counsel appearing for the petitioner as well the respondents and perused the material available on record.

5. In the present case, the relief is for cancellation of the layout approval and the same was granted to and in favour of one S.Dinesh, who has not impleaded as party in the suit. The private respondents, who are all impleaded are owners of the property and they sold the property to one S.Dinesh and after



the sale, S.Dinesh formed the layout and he has also sold the same. In such case, without impleading the said S.Dinesh, this Court is not inclined to pass any order as sought in the present writ petition. Even the said S.Dinesh is impleaded, the right course available to the petitioner is not by way of making representation for cancellation of layout approval. The petitioner has to approach the civil Court where O.S.No.230 of 1977 is pending for partition and final decree has to be passed. Therefore, this Court is not inclined to issue any mandamus as sought for in the present writ petition.

6. In such view of the matter, this Writ Petition is disposed of with liberty to the petitioner to raise all the issues before the civil Court, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

06-04-2026

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

KKN



To

1. The Directorate of Town and Country Planning,
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Chennai-600 107.
2. The Deputy Director of Town and Country Planning,
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Cuddalore-607 006.
3. The President,
The Gram Panchayat, Naduveerapattu, Cuddalore Taluk, Cuddalore -607
102.
4. The Sub Registrar,
O/o.Nellikuppam Sub Reigstrar,
Nellikuppam, Tamil Nadu.



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KRISHNAN RAMASAMY, J.

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