



W.A(md)No.1837 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.02.2026

Pronounced on : 17.02.2026

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

WA(MD)No.1837 of 2025

and

C.M.P(MD)Nos.10411 and 10413 of 2025

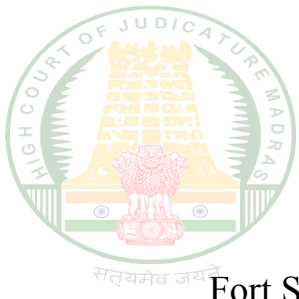
AIBEA Nagar(Paravai)
Resident's Welfare Association
Rep by its Secretary,
Mr.V.Pitchai,
S/o.A.Veeran,
Plot No.396, 3rd Street,
“B” Colony, AIBEA Nagar,
Paravai, Madurai District.

Appellant/
Petitioner

Vs

(R1 Deleted-vide Court order
dated 14.11.2024)

- 1.The Secretary to Government,
Municipal Administration & Water Supply
Department, Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,



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Fort St.George,
Chennai-600 009.

3.The Commissioner of Town & Country Planning,
Urban Administrative Office Complex,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

4.The Chairman,
Madurai Local Planning Authority,
Inspector of Panchayats & District Collector,
Madurai District,
Madurai-625 020.

5.The Member Secretary,
Madurai Local Planning Authority,
Sector 6, Anayur – Mudakathan Main Road,
Koodal Nagar,
Madurai-625 017.

6.The Assistant Director of Town Panchayats,
District Collectorate Complex,
Madurai-625 020.

7.The Executive Officer,
Town Panchayats,
Paravai,
Madurai District-625 402.

8.The Sub Registrar,
Church Road,
Vilangudi,
Madurai District.

9.Mr.Selvakumar
10.Mr.P.Venkatesan
11.K.Muniyandi
12.R.Marithangam

Respondents/
Respondents 2 to 13



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal to set aside the order passed in W.P(MD)No.27265 of 2024 dated 28.04.2025.

For Appellant(s) : Mr.B.Saravanan, Senior Counsel
for M/s.B.Saravanan Associates
For R1 to R8 : Mr.S.P.Maharajan, Special Govt. Pleader
For R11 : Mr.M.Kannan
For R10 : Mr.G.Prabhu Rajadurai,
For R12 : Mr.L.Shajichellan
For R9 : No appearance

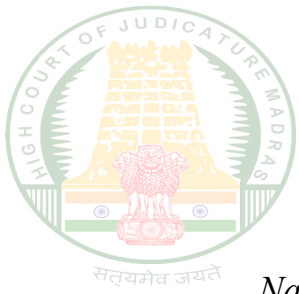
JUDGMENT

(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

The appellant is All India Bank Employee Association(AIBEA), residential Welfare Association, represented by its Secretary. The Writ of Mandamus was filed by the appellant to cancel the regularization of unapproved layout accorded to the neighbouring layout by name Sivathanya promoted by the 11th respondent Venkatesan. Further it was prayed to re-fence the OSR property falling in petitioner's residential area.

2.The prayer in the said writ petition as couched by the appellant herein is extracted below for better appreciation:

“For issuance of a writ of Mandamus directing the respondents 1 to 8 to cancel the in-principle regularisation of unapproved lay out accorded in 6th respondent's proceedings in



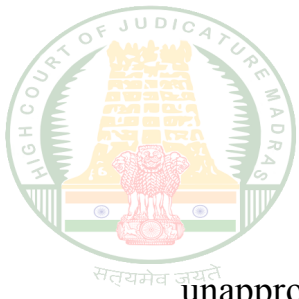
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Na.Ka.No.3663/2019/Mathi2 dated 03.03.2020 and the final approval granted in 8th respondent's proceedings in Na.Ka.No. 66/2019 dated 13.05.2020 and re-fence the OSR property falling in the petitioner's residential area duly cordoning of and restoring the position, which had been in existence fro the years.

3.After considering the counter filed by the official respondents and the 11th respondent as well as the respondents 12 and 13, were got impleaded being the purchasers of the plots from the 11th respondent. They got themselves impleaded and placed the facts and submitted that why the writ petition should not be allowed.

4.The learned Single Judge, after due appreciation of the pleadings and documents on record, primarily observed that the writ petitioner had not come to the Court with clean hands and had suppressed vital facts and the Court also noted that the petitioner Association had misled the District Collector to pass order for fencing the disputed area by suppressing the fact that the disputed land not belong to the Association and the fact that an injunction decree had already been granted against the Association by the District Munsif Court, Madurai, in O.S. No. 4 of 2009. Further the learned single Judge, after analysing the documents and making an elaborate discussion, observed in tune with the Act and G.O passed for regularising



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unapproved layouts that the regularisation of the layout plan of the 11th respondent accorded by the sixth respondent vide proceedings dated 03.03.2020 and the final approval granted by the eight respondent, vide proceedings dated 13.05.2020. If at all the said proceedings were to be challenged, the appropriate remedy is to invoke Section 80 of the Tamil Nadu Town and Country Planning Act and prefer a Revision Petition before the Government.

5. Being aggrieved by the dismissal of the writ petition, the *intra* Court appeal is filed by the appellant contending that the approval granted by the eight respondent on 13.05.2020 was a conditional order and therefore, the learned single Judge should not have given effect to the approval without complying the condition. Further, it is contended that a high-tension transformer line runs through the disputed land, which is recognized as OSR land for the appellant's layout. The Writ Court ought not to have gone beyond the scope of the writ petition and permitted shifting of the high-tension transformer. It is further contended that the regularisation of the unapproved layout of Sivathanya Nagar was not carried out under Section 48 of the Town and Country Planning Act, 1971 and therefore, the revision remedy under Section 80 of the Act, referred to as an alternative remedy is incorrect. Submitting that the OSR land on which the high-tension



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transformer line runs cannot be utilised for any other purpose, but by granting approval of a road to access the said layout is candidly permitting utilisation of OSR land meant for the appellant AIBEA layout. Despite the fact that the disputed area has been fenced pursuant to the order passed by the District Collector. The Civil Court decree of injunction has no relevance for adjudication of the lis and the observation of the learned single Judge regarding omission to disclose the civil Court decree is uncalled.

6. Heard the submissions made by the respective learned Counsels. The records were carefully perused.

7. The learned Senior Counsel appearing for the appellant repeatedly emphasised that the appellant's layout is an approved layout and approval obtained in the year 1985-1986. The OSR land identified as Plot No.116B cannot be utilised for any other purpose, however contrary to law the same has now been permitted to lay a road and to shift the high-tension transformer line passing through the OSR land. Hence, the order of the learned single Judge needs interference.

8. Per contra, the learned counsel appearing for the private respondents submitted that the appellant's layout is not an approved layout. During the



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year 1985 – 1986, for certain portion of the layout alone, approval was obtained showing about 27 pieces of lands for OSR. Out of which, only 17 areas were gifted to the local authority and balance 10 areas were not handed over to the local body for getting their layout approval in full. The disputed plot identified as 116B is one among the ten areas, which never been handed over to the local body by the promoters of AIBEA Nagar layout. The reason for not handing over the said area is obvious. The promoter of the AIBEA Nagar layout is not the owner of the property and the Association is already suffered an injunction decree in the suit filed by one Tmt.Manonmani. From the said Manonmani, 11th respondent, has promoted the said land and has gifted the road portion to the local body for providing inter connectivity. The learned single Judge has analysed the records and held as below:

“84.Having not preferred an appeal for more than 15 years, it is brought to the notice of this Court by the learned Senior Counsel that only pending this writ petition, the petitioner association has preferred an appeal and the same is pending in delay condonation stage. The petitioner association have suppressed the factum of suffering a judgment and decree in O.S.No.4 of 2009 all through from the very instance of impleading themselves as respondents in W.P.(MD)No.7245 of 2013 filed by the promoter of AIBEA Nagar layout, challenging



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the proceeding of the 8th respondent Panchayat bearing Na.Ka.No.25/2011 dated 09.11.2012, requiring the promoter to hand over the properties allocated for OSR purposes in AIBEA Nagar, till date, the petitioner association had suppressed the factum of having suffered the said civil decree.

“

85.Hence, I have no hesitation to hold that the petitioner association did not approach this Court with clean hands and it is only under the background of having not informed about the decree and judgment suffered by the petitioner association in O.S.No.4 of 2009 dated 23.12.2010, on the file of the learned District Munsif Court, Madurai Taluk, the 5th respondent District Collector had conducted an inquiry in an application dated 09.09.2020, made by the petitioner association directed the 8th respondent Town Panchayat to fence those properties pertaining to the OSR area of AIBEA Nagar, which are already handed over to the 8th respondent Panchayat. Had he been informed of the judgment and decree in O.S.No.4 of 2009 on the file of the learned District Munsif Court, Madurai taluk, the question of passing such an order directing the 8th respondent to fence up the so called alleged OSR area of AIBEA Nagar layout would not have arisen and for the mistake and suppression played by the petitioner association, the 5th respondent Collector could not be faulted with.

86.....

87.In the instant case as elaborated supra, the petitioner



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association all through its proceedings in the various Writ Petitions before this Court and even before the enquiry conducted by the 5th respondent Collector had wantonly suppressed the material fact of having suffered a civil decree in O.S.No.4 of 2009 on the file of the learned District Munsif Court, Madurai Taluk, dated 23.12.2010, including the instant Writ Petition. Having not taken any steps positively to comply with the conditions of the Government Order bearing G.O. (2Pa)No.141 dated 30.11.2000 and also to the directions of the 8th respondent Town Panchayat vide proceedings in Na.Ka.No. 25/2011 dated 09.11.2012, for more than nearly 15 years, the writ petitioner association has filed this petition on the premise that the AIBEA Nagar layout is an approved layout and on the contrary, the same is not in terms of the Tamilnadu Town and Country Planning Act, 1971, as already elaborated supra. Hence, though this Writ Petition is liable to be thrown out at its threshold, considering the nature of the complexity involved, which would affect the innocent purchasers of the layouts involved in both the petitioner AIBEA Nagar layout as well as the Sivathanya layout developed by the 11th respondent, I have gone into the merits of this case.

88. That apart, having not able to hand over the entire area allocated for OSR purposes and interestingly, having handed over certain portions of property belonging to Tmt.Manonmani, as the property allocated for the alleged OSR purposes of AIBEA Nagar layout, suppressing all these facts, this Writ Petition is laid. In the meanwhile, the 11th respondent

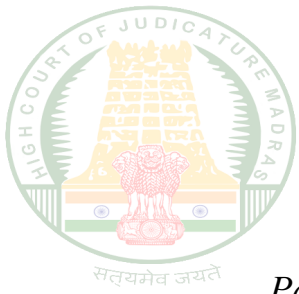


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promoter who developed Sivathanya layout executed as many as five road gift deeds dated 09.04.2014, 31.05.2016, 25.02.2020 and 06.10.2020 for the purpose of laying road for Sivathanya layout in favour of the 8th respondent Town Panchayat.

89.Pursuant to the same, the Member Secretary of Local Planning Authority accorded in-principle approval and in proceedings bearing Na.Ka.No.3663/2019/Mathi.2 dated 03.03.2020, in terms of the road pattern approval accorded by the 8th respondent Panchayat on 21.02.2020. Following which, the final approval in Na.Ka.No.66/2019 dated 13.05.2020, was also accorded by the 8th respondent panchayat. Only under such circumstances, the petitioner association claiming that the final approval accorded to the 11th respondent by the 8th respondent Town Panchayat in proceedings in Na.Ka.No.66 of 2019 dated 13.05.2020, interferes and the road pattern of approval of the same interferes with the area allocated for the Open Space Reservation purposes by the AIBEA Nagar layout made a complaint before the 5th respondent District Collector and other respondents 1 to 7 by complaint dated 09.09.2020.

90.It is only in response to the aforesaid complaint made by the petitioner association, the 1st respondent District Collector conducted an inquiry. Following which, the inquiry report vide proceedings in Na.Ka.No. 23247/2020/Vu.Va.11 dated 17.09.2020, came to be issued directing the 8 th respondent to put a fence around those OSR area, which was already handed over by the AIBEA Nagar to the 8th respondent



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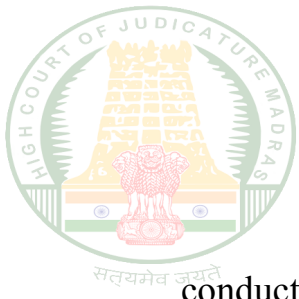
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Panchayat. It is necessary to mention here that even during the said inquiry before the 5th respondent Collector, the petitioner association suppressed the material fact of having suffered a civil decree of the learned District Munsif Court, Madurai, in O.S.No.4 of 2009 dated 23.12.2010.....”

(emphasis supplied)

9.On examination of records, we hold that the appellant Association is neither the owner of 37,900 Sq.ft., land shown as plot No.116B in their layout, not the promoter of the layout gifted it to the Paravai Selection Grade Town Panchayat as directed by the Executive Officer of the said panchayat. The appellant Association has not so far earmarked 10% of the land for getting regularisation of their layout. Having lost the suit to Manonmani in respect of this portion of the land, the appellant Association still try to claim right over this place of land to satisfy 10% OSR. Contrarily, Tmt.Manonmani the owner of the property had gifted a portion to the local body vide deed dated 09.04.2014 and the layout of Sivathanya Nagar duly approved through the proceedings impugned in the writ petition.

10.Suppressing all these facts, the writ petition has been filed with malafide intention. The learned single Judge, after appreciating the evidence, has rightly dismissed the writ petition making serious observation about the



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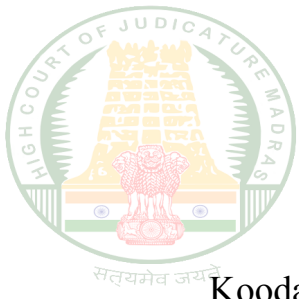
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conduct of the writ petitioner and rightly so. Hence, this Writ Appeal stands dismissed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
17.02.2026

Index : Yes/No
Internet : Yes
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