

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2016

Coram:

The Honourable **Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE**

and

The Honourable Mr.Justice **R.MAHADEVAN**

W.P.No.11927 of 2013

T.Manjula

... Petitioner

Versus

1.The Secretary to Government of Tamil Nadu
Department of Revenue,
Fort St.George,
Chennai 600 009.

2.The Director of Town and Country Planning
Anna Salai, Chennai

3.The District Collector,
Vellore District.

4.The District Revenue Officer,
Vellore District.

5.The Block Development Officer,
Nemili Panchayat Union,
Nemili, Vellore District.

6.The Tahsildar,
Arakkonam Taluk,
Vellore District.

7.The Sub-Registrar,
Nemili, Arakkonam Taluk,
Vellore District.

8.The Sub-Registrar,
Kaveripakkam,
Vellore District.

9.The President,
Sayanapuram Panchayat,
Arakkonam Taluk, Vellore District.

10.The President,
Pallur Panchayat, Arakkonam Taluk,
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, forbearing the respondents from giving approval for conversion of agricultural lands into residential lay outs without following the mandatory procedures laid down in G.O.(Ms).No.255 Rural Development (C2) Department dated 18.08.1997 and G.O.Ms.No.71 Rural Development (C2) Department dated 16.06.2003 and further direct the 2nd respondent to investigate the vast conversion of agricultural lands into residential lay outs without following the procedures laid down and issue suitable instructions to the local bodies to stop the indiscriminate conversion of

agricultural lands into residential lay outs without getting prior concurrence from them before giving approval.

For Petitioner ::: Mr.Sai Sathyajith

For Respondents ::: Mr.S.T.S.Murthi

Special Government Pleader

assisted by

Mr.V.R.Kamalanathan AGP

for R.1 to R.4 and R.6 to R.8

Mr.S.T.Rajan for R.5

Mr.Roofas Abraham for R.10

ORDER

(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioner is a resident of Arakkonam Taluk, Vellore District and that area is governed by the Sayanavaran Panchayat. The allegation of the petitioner is that from time to time, at least from 2008, complaints have been made about unauthorised conversion of agricultural lands to lay outs, resulting in unplanned urbanisation without requisite permission from the Director of

Town and Country Planning / Second respondent and the Village Panchayat/9th respondent. It is alleged that despite these being unauthorised plottings, the documents of title are registered with the Sub-Registrar, Nemili and Kaveripakkam/7th and 8th respondents. Though directions were issued in 2008 to take action, nothing happened and even for future, no preventive measures were taken.

2. The petitioner gives an illustration of the lands comprised in S.No.835-1007, which contain water areas, temple lands, grama natham, poramboke lands etc. It is in these circumstances that the writ petition in the form of Public Interest Litigation has been filed forbearing the respondents from giving approval of conversion of lands into residential lay outs without following the mandatory procedures laid down in G.O.(Ms).No.255 Rural Development (C2) Department dated 18.08.1997 and G.O.Ms.No.71 Rural Development (C2) Department dated 16.06.2003 .

3. The illegality and the nuisance caused to the residents of the villages in Tamil Nadu by such illegal conversion of agricultural lands to

residential areas through the process of unapproved lay out plans is a matter of common knowledge. Periodically directions are issued by the Court for taking necessary actions. The problem is at times compounded by the fact that the purchaser may or may not be fully aware, though they are required to make requisite enquiries. The fact that the vendor is able to register the sale deeds seeks to give some impression to the purchaser that this may be a legal transaction, while the fact remains that these are unauthorised lay outs. This results in urbanisation mess apart from the larger issue of how much and where the agricultural land has to be maintained and in what manner.

4. We are of the view that the State Government must take necessary steps to stop such illegal urbanisation while issuing suitable directions to ensure that the registration of documents in such cases is not carried out by plotting agricultural lands into residential lay outs.

5. We are faced both with the larger issue and this smaller issue in respect of the lands in question.

6. Insofar as the lands in question are concerned, an inspection is required to be carried out through the 6th respondent and a report submitted by respondents Nos.3 and 5 to the second respondent/Director of Town and Country Planning. This exercise be undertaken within a maximum period of one month from the date of receipt of the order. The Director, Town and Country Planning, if it finds that there are unapproved lay outs and there have been sales and construction has taken place, would proceed to take action in accordance with law in respect of the unauthorised lay outs within a maximum period of two months thereafter.

7. We also call upon the first respondent to set up an Expert Committee in this behalf, unless ground work has already been done, to look into the measures to be taken to prevent the mushrooming of unauthorised lay outs, the parting of possession and construction thereon and the registration of documents in this behalf. This exercise be undertaken within a period of three months from the date of receipt of the order.

8. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

9. The compliance report be filed by all the concerned respondents at least three days prior to the next date of hearing.

List for compliance on 30th September, 2016.

(S.K.K.,CJ.) (R.M.D.,J.)
27.06.2016

ksr

To

- 1.The Secretary to Government of Tamil Nadu
Department of Revenue, Fort St.George,
Chennai 600 009.
- 2.The Director of Town and Country Planning, Anna Salai, Chennai
- 3.The District Collector, Vellore District.
- 4.The District Revenue Officer, Vellore District.
- 5.The Block Development Officer, Nemili Panchayat Union, Nemili,
Vellore District.
- 6.The Tahsildar, Arakkonam Taluk, Vellore District.
- 7.The Sub-Registrar, Nemili, Arakkonam Taluk, Vellore District.
- 8.The Sub-Registrar, Kaveripakkam, Vellore District.
- 9.The President, Sayanapuram Panchayat, Arakkonam Taluk, Vellore District.
- 10.The President, Pallur Panchayat, Arakkonam Taluk, Vellore District.

The Hon'ble The Chief Justice
and
R.Mahadevan, J

ksr

W.P.No.11927 of 2013

27.06.2016