

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.5455 of 2014

J.Anusuya

.. Petitioner

Vs.

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore-641 002.
- 2.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore-641 012.
- 3.The Assistant Commissioner-West Zone,
Coimbatore Corporation,
Coimbatore-641 002.

.. Respondents

The writ petition has been filed, under Article 226 of the Constitution of India praying, for the issuance of a writ of mandamus, directing the first respondent to accept the gift deed, in respect of the road and register the same, after collecting the necessary charges, for registering the gift deed.

For Petitioner : Mr.T.V.Vineeth Kumar
For Respondents : Mr.R.Sivakumar for RR1 and 3
No appearance for R2

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondents 1 and 3. There is no representation on behalf of the second respondent.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to accept the gift deed, in respect of the road, in T.S.No.101, Block 22, Ward 16, of the Coimbatore Municipal Corporation and to register the same, after collecting the necessary charges.

3 The petitioner has stated that there was a partition effected amongst the legal heirs of the father of the petitioner. The said partition had been registered, as document No.4232/2009, in the office of the Joint Sub Registrar, Coimbatore. It has been stated that certain portions of the land allotted to the petitioner was not accessible. Therefore, the petitioner could not enjoy the properties allotted to her. In such circumstances, the petitioner has requested the respondents to convert the private road, which was available, into a public road. For the said purpose, the petitioner was prepared to register the gift deed, in favour of the first respondent, in respect of certain lands, in T.S.No.101, Block 22, Ward 16, of the Coimbatore Municipal Corporation. In spite of the petitioner following all the necessary formalities, the gift deed, sought to be made by the petitioner, in favour of the first respondent, had not been registered. Further, the respondents had not taken the necessary steps, to form the public road, as requested by the petitioner. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4 At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the respondents 1 and 3 had placed before this Court a copy of the communication issued by the third respondent, dated 29.1.2014, requesting the petitioner to submit certain documents, for processing the application made by the petitioner herein, for the grant of the building plan approval, in favour of the petitioner. However, the petitioner has not approached the third respondent with the necessary documents, as pointed out in the said communication. In such circumstances, the request made by the petitioner, for the registration of the gift deed, in respect of the road in question, cannot be accepted.

5 It has been further submitted that on the petitioner complying with the necessary requirements, as pointed out in the communication of the third respondent, dated 29.1.2014, the application of the petitioner, for the building plan approval, would be processed and it would be forwarded to the second respondent, with the necessary details. Thereafter, the second respondent would take appropriate steps, as requested by the petitioner, in her application, dated 21.11.2012, which shall be re-presented to the second respondent, after fulfilling all the necessary requirements.

6 In view of the said submissions made by the learned counsel appearing on behalf of the first and the third respondents, the petitioner is permitted to re-present her application, dated 21.11.2012, to the second respondent, after complying with the necessary formalities. Thereafter, the second respondent shall process the same, after obtaining the necessary details from the third respondent. The registration of the gift deed shall take place only after the completion of all the

necessary formalities, by the petitioner, as required by the respondents. The respondents shall take all necessary steps for the grant of the building plan approval, in favour of the petitioner and for the formation of the public road in question, as expeditiously as possible. The writ petition is disposed of, with the above directions. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore-641 002.
 - 2.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore-641 012.
 - 3.The Assistant Commissioner-West Zone,
Coimbatore Corporation,
Coimbatore-641 002.
- +1 cc to Mr.R.Sivakumar, advocate,sr.44519
+1 cc to Mr.T.V.Vinothkumar, advocate,sr.44384.

sv(co)
krd 23/8

W.P.No.5455 of 2014

सत्यमेव जयते

WEB COPY