

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2353 of 2015

C.R.Visswanathan

... Petitioner

vs.

1. The Commissioner
Coimbatore Corporation
Coimbatore Corporation Buildings,
Coimbatore.
2. The Director,
Directorate of Town and Country Planning,
Chennai.
3. The Coimbatore District Local Planning Authority,
rep. by its Member Secretary,
Tatabad,
Coimbatore - 12.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to forthwith do such necessary acts to ensure that the Forty Feet Road connecting Avinashi Road and Singanallur in Coimbatore is laid expeditiously.

For Petitioner : Mr.P.V.Balasubramaniam

For Respondents : Mr.K.Magesh

O R D E R

The petitioner, who owns lands in Singanallur, has filed this Writ Petition praying for a direction to the respondents to ensure that the Forty Feet Road connecting Avinashi Road and Singanallur in Coimbatore is laid, as expeditiously as possible.

2. The road in question has had a chequered history, since litigation was pending before this Court and one of which attained finality after the Honourable Supreme Court dismissed the Special Leave Petition filed by the Regional Provident Fund Organisation against the judgment and decree dated 17.12.2009

passed by this Court in S.A.No.441 of 2001 and the order dated 17.12.2009 passed in W.P.No.21575 of 2007. However, in this case, the petitioner herein was not a party. As of now, the decision rendered by this Court, one of which was confirmed by the Honourable Supreme Court holds the feet.

3. Learned counsel for the petitioner would submit that this Court had issued directions for the road to be formed for the benefit of the people of the Regional Provident Fund Organisation.

4. Learned counsel for the 1st respondent/Corporation submitted that after the orders were passed by the Supreme Court confirming the judgment and decree in S.A.No.441/2001 and the order in W.P.No.21575/2007, a realignment plan has been prepared and submitted to the 2nd respondent for consideration. At that juncture, one of the landowners in that area had filed a suit in O.S.No.928/2014 on the file of the District Munsif Court, Coimbatore and has obtained an order of interim injunction not to take over his lands or form any road in his lands.

5. The present legal issue has arisen on account of realignment, i.e. in order to avoid the problem of Provident Fund Organisation. However, when there is a restrained order against the 2nd respondent, this Court cannot issue a direction to the 2nd respondent to take action to form a road. But, it appears that the 2nd respondent is inclined to form a road as per the realignment proposal submitted by the 1st respondent/Corporation. Therefore, it would be appropriate for the petitioner, if so advised, to seek for impleadment in the said suit to indicate his grievance and to represent his cause.

6. With the above observations and liberty, this Writ Petition is disposed of. It is needless to state that if the respondent Corporation has taken positive steps to implement the formation of the road as per the realignment proposal, then it goes without saying that they should also diligently defend the proceedings before the Civil Court. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To:

1. The Commissioner
Coimbatore Corporation
Coimbatore Corporation Buildings,
Coimbatore.
2. The Director,
Directorate of Town and Country Planning,
Chennai.
3. The Member Secretary,
Coimbatore District Local Planning Authority,
Tatabad, Coimbatore - 12.

1 cc to Mr.K. Magesh, Advocate, Sr. 1592

1 cc to M/s. B.F.S. Legal, Advocate, Sr. 1458

W.P.No.2353 of 2015

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