

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.16918 of 2013

and

M.P.No.1 of 2013

K.Balasubramanian

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep by its Secretary to Government,
Municipal Administration & Water
Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The State of Tamil Nadu,
rep by its Secretary to Government,
Rural Development and Panchayat Raj Dept.,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai-600 002.
- 4.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.
- 5.The Member Secretary,
Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore-12.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondents to notify that the 80 ft scheme road / Singanallur Scheme No.11 AA road, originally proposed in 1975, to run North South on the eastern side of the layout lands, comprised in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District have been released from the reservation by operation of Section 36(b) of the Tamil Nadu Town and Country Planning Act, 1971, within a time frame to be fixed by the Court.

For Petitioner : Ms.V.S.Usha Rani
For Respondents: Mr.V.Jayaprakash Narayanan, Spl.G.P
for RR1 to 3
Mr.K.Magesh for R-4
Mr.M.S.Ramesh for R-5

ORDER

Heard.

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 respondents to notify that the 80 feet Scheme Road / Singanallur Scheme No.11 AA Road, originally proposed in 1975, to run North South on the Eastern side of the layout lands, comprised in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District, has been released from the reservation, by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971, within a stipulated time.

3 Even though the prayer of the petitioner is for a larger relief, the learned counsel appearing on behalf of the petitioner had submitted that it would suffice, if this Court directs the fourth respondent, Coimbatore City Municipal Corporation, to remove the board placed in the layout, proposed in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District, relating to the formation of the scheme road, within the specified time limit. She had further submitted that it is the case of the respondents that the decision to form the scheme road in the layout comprised in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District, had been given up.

4 It is noted from the counter affidavit, dated 15.4.2016, filed on behalf of the fourth respondent that the scheme road, proposed during the year, 1975, under the Singanallur Scheme No.11AA Road, on the Eastern side of the layout, comprised in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District, had been released, as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

5 In the counter affidavit filed on behalf of the fifth respondent, paragraph 5 reads as follows :

"5.It is further submitted that, as the said scheme was notified in the year 1975 and since the road portion of the scheme was not, either acquired or purchased within a period of 3 years from the date of publication of the scheme under Section 26 of the Town and Country Planning Act, by operation of Section 38(b) of the Act, the said

land stood released from the said reservation. Therefore there is no impediment for the owner to deal with the said property."

6 In such circumstances, this Court is of the view that no further orders are necessary in the present writ petition. However, if any board has been placed by the fourth respondent Corporation, with regard to the proposed formation of the scheme road, in the layout comprised in S.Nos.491, 492, 493, 498 to 501 of Singanallur Village, Coimbatore District, the same shall be removed by the fourth respondent Corporation, within a period of two weeks from the date of the receipt of a copy of this order. Accordingly, the writ petition stands closed, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Municipal Administration & Water
Supply Department, Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government,
The State of Tamil Nadu,
Rural Development and Panchayat Raj Dept.,
Secretariat, Fort St. George, Chennai-600 009.
- 3.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai-600 002.
- 4.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.
- 5.The Member Secretary,
Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony, Coimbatore-12.

+1cc to M/s. V.S. Usharani, Advocate, S.R.No.52760

+1cc to M/s.K. Magesh , Advocate, S.R.No.52797

+ 1 cc to M/s. M.S. Ramesh, Advocate Sr.52749

+1cc to the Government Pleader, S.R.No.53150

RP(CO)

EU(21/09/2016)

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