

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.3277 of 2017

and W.M.P.Nos.3238 and 5507 of 2017

1. Gunasekaran
2. Dhanabakiam ... Petitioners

vs.

1.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai - 600 002

2. Commissioner,
Coimbatore Municipal Corporation,
Coimbatore - 641 001

3. The Tahsildar
Coimbatore South Taluk,
Coimbatore

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd respondent to act on the application of the petitioner dated 01.12.2016 and consequently to survey and measure and demarcate the petitioner's property situate at S.F.No. 243/1,2, (Present T.S.No: 34 and T.S.No:2920 - 1-4 in Ramanathapuram Village, Coimbatore Taluk.

For Petitioners

:Mr.R.Bharanidharan
for M/s.V.Balamurugane

For respondents

:Mr.R.A.S.Senthilvel
Additional Government Pleader
for R. 1 & R. 3
Mr.R.Sivakumar for R. 2

ORDER

The petitioners are the owners of the plot in an unapproved lay out. At the time of forming of the lay out, gift deed has been signed in favour of the second respondent. Now, the writ petition has been filed, alleging that the pipe lines are being laid through the land of the petitioners.

2. In the counter affidavit filed by the second respondent, in paragraphs 3 and 4, it has been stated as follows:

3. I further submit that at this particular area, there are more than 1800 individual house connections and the entire sewage must be transmitted to the main trunk through these ancillary trunks. The Corporation had taken strict care to lay the trunk pipes at the middle of the 60 ft land which was gifted by the various individuals including the petitioners herein. The length of this particular portion is 1400 fts. On 09.01.2017, the gifted portion of the lands were surveyed and road boundaries were marked and the sewer line is laid at the centre of the gifted portion. As of now, out of the said 1400 ft sewer pipes were already laid to the length of 1000ft on either side of the petitioners' land on east and western sides. By 1st week of February 2017, when the work to be executed at the gifted portion of the petitioners' land they made an objection regarding the portion they have gifted. The petitioners were under the wrong impression as if the sewage line to be laid within their patta land despite the portion they have gifted. Therefore on 01.02.2017 the Assistant Executive Engineer (Planning) (In-charge), Central Zone of the Corporation along with the Surveyor visited the spot and the land was again surveyed in the presence of the 1st petitioner and it was informed to him that sewage pipe will be laid only at the centre of the gifted portion.

4. It is further submitted that however the petitioner's continued to object to the laying pipes. Therefore on 07.02.2017, the Assistant Executive Engineer (Planning) (In-charge), Central Zone of the Corporation along with Assistant Executive Engineer of the JNNURUM Scheme visited

the spot and again explained to the petitioners that the pipe lines are being laid only at the centre of the gifted portion of land. However with a view to make the petitioners confident, it was proposed to shift the alignment of the pipes 20 fts more on Northern side, to which the petitioners were also agreed. It was only in the above circumstances the present writ petition came to be filed.

3.From the above, it is clear that it is the stand of the second respondent that it lays the pipeline only through the land which has been gifted to it. There is also a shift in the alignment. Thus it is hereby directed that the second respondent shall strictly comply with the averments made in paragraphs 3 and 4 of the counter affidavit filed. If the petitioners have got any other grievance still remaining, they can work out the remedy in the manner known to law, including approaching the competent civil Court, if so advised.

4.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Director,
Town and Country Planning,
807, Anna Salai, Chennai - 600 002

2. Commissioner,
Coimbatore Municipal Corporation,
Coimbatore - 641 001

3. The Tahsildar
Coimbatore South Taluk, Coimbatore

+1cc to Mr.V.Balamurugan, Advocate SR.No.15859
+1cc to Mr.R.Sivakumar, Advocate SR.No.15825

W.P.No.3277 of 2017

SDR 27.03.2017