

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7087/2018

&

WMP.No.8786/2018

V.Madhanagopal

Petitioner

Vs

1.The Deputy Director of Town and Country Planning
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivanandha Colony, Coimbatore-641012.

2.The Member Secretary
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivanandha Colony, Coimbatore-641012.

3.The District Collector
Coimbatore District, Coimbatore-641018.

4. The Tahsildar
Coimbatore North Taluk,
Coimbatore District - 641018.

5.The Block Development Officer
Pannimadai Panchayat,
Coimbatore North Taluk
Coimbatore District 641018.

6.The Sub Registrar
Marudhamalai Sub Registration Office
Marudhamalai, Coimbatore 641017.

7.Mr.Jeevanandham

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondents 1 to 5 from approving the layout in the name of Sri Kumaran Avenue in respect of the properties comprised in S.No.301/1B, 140/2, 141/1A3, 142/1B2, 143/2B and 301/1A without restoring the public road to its original extent of 10 feet width and 300 meters length by conducting proper survey and demarcation of the said lands

based on the petitioner's representation dated 03.07.2017 and 17.07.2017.

For Petitioner : Mr. C.Prabakaran

For RR 1 to 6 : Mr.T.M.Pappiah, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 6

2 The petitioner claims that he is owning lands comprised in S.No.138/1A, 138/2A and 139/1 in Pannimadai village, Coimbatore North Taluk, Coimbatore District, admeasuring to an extent of 4 acres and 22 cents and he is carrying on agricultural operations in the said lands. The petitioner would further state that that he is in possession and enjoyment of the said lands as an absolute owner and for the purpose of reaching the said lands, he has to use the common road which exists on the Western side of his landed properties and it measures about 10 feet width and 300 meters length from South to North at Sanjeevi Nagar. It is also the case of the petitioner that apart from he using the said areas as pathway, the other residents are also using the said pathway/road for ingress and egress to their properties. The petitioner would further state that the 7th respondent had purchased agricultural lands on the other side of the said road in S.Nos.301/1B, 140/2, 141/1A3, 142/1B2, 143/2B and 301/1A and is making an attempt to convert the same into layouts and during the process of forming the said layout, the 7th respondent has encroached upon the said common road which is also classified as Government Poramboke Land. The petitioner, on becoming aware of the same, had submitted representations dated 03.07.2017 and 17.07.2017 respectively, to the respondents 1 to 3 and in response to the same, the 3rd respondent, vide communication dated 25.09.2017 in O.Mu.No.14178/2017/E6, has directed the 2nd respondent to look into the same and take appropriate action and despite receipt and acknowledgment of the same, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 6.

4 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations or in the writ petition, directs the 2nd respondent to put the petitioner as well as the 7th respondent

on notice and cause inspection of the said road measuring 10 feet width and 300 meters length from South to North at Sanjeevi Nagar, within a period of four weeks from the date of receipt of a copy of this order and depending upon the survey and inspection, the 2nd respondent shall take appropriate action on the representations of the petitioner dated 03.07.2017 and 17.07.2017 respectively on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 7th respondent herein.

6 The writ petition stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

SD
DEPUTY REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR

To

- 1.The Deputy Director of Town and Country Planning
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
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- 6.The Sub Registrar
Marudhamalai Sub Registration Office
Marudhamalai, Coimbatore 641017.

1CC TO MR. C. PRABHAKARAN, ADVOCATE SR.NO. 24233
1CC TO THE GOVERNMENT PLEADER SR.NO. 24605

WP.No.7087/2018

DM

12 APRIL 18

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