

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.30062 of 2014

and

M.P.No.1 of 2014 and W.M.P.No.2254 of 2018

Roy Thomas

...Petitioner

Versus

1.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

2.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai-2

3.The Deputy Director,
Directorate of Town and Country Planning,
District Collector Office Compound,
Coimbatore - 641 018.

4.Ramanathapuram Co-op.,
House Building Society Ltd.,
No.1, Co-operative Colony, Upplipalayam,
Coimbatore - 641 015.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 3 to conduct a fair enquiry by affording an opportunity to the petitioner along with documentary proofs before initiating any proceedings pertaining to the schedule mentioned property.

For Petitioner : Mr.K.Moorthy

For Respondents : Mr.K.Magesh, for R1

Mr.V.Shanmuga Sundar

Special Government Pleader for R2 to R4

O R D E R

The petitioner has come forward with the present writ petition seeking for issuance of writ of mandamus, directing the respondents 1 to 3 to conduct a fair enquiry, by affording an opportunity to the petitioner along with documentary proofs

before initiating any proceedings pertaining to the schedule mentioned property.

2. Heard Mr.K.Moorthy, learned counsel for the petitioner, Mr.K.Magesh, learned counsel appearing for the first respondent and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents 2 to 4.

3. The case of the petitioner is that he had purchased the property in dispute from one Mrs.Saradha, by way of registered sale deed dated 29.1.1999, after obtaining consent and permission from the fourth respondent - House building society. It is further stated that the first respondent - Corporation, treating the land as a place allotted for public purpose in the approved layout has affixed a notice in the office of the fourth respondent. Since the petitioner was not given any opportunity, the present writ petition has been filed.

4. The learned Standing counsel appearing for the first respondent submitted that the petitioner claims right over the land allotted for public purpose i.e., children playing area and therefore the claim has no basis. The first respondent would take further action only after affording an opportunity to the petitioner.

5. The learned Special Government Pleader submitted that the respondents 2 and 3 gave approval for the layout and there is no substance in the allegations made against them in the writ petition.

6. In the light of the submission of the learned standing counsel for the first respondent, this writ petition is disposed of with a direction to the first respondent to take action against the petitioner after providing an opportunity of personal hearing and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai

2.The Deputy Director,
Directorate of Town and Country Planning,
District Collector Office Compound,
Coimbatore - 641 018.

+1cc to Government Pleader in sr.no.

W.P.No.30062 of 2014
and
M.P.No.1 of 2014 and
W.M.P.No.2254 of 2018

sks(co)
nr 07/06/2018



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