

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4390 of 2018

1.A.Kandasamy
2.A.Palanisamy
3.A.Ganesan

.. Petitioner

Versus

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

2.The Member Secretary,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore - 641 018.

3.The Director of Town and Country Planning,
Anna Salai,
Chennai - 600 002.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioners dated 6.3.2017 and 8.1.2018, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.R.Sivakumar,
Standing counsel for R1 & R2

Mr.V.Shanmugasundar
Special Government Pleader, for R3

O R D E R

Mr.R.Sivakumar, learned Standing counsel takes notice for the respondents 1 and 2 and Mr.V.Shanmugasundar, learned Special Government Pleader takes notice for the third respondent. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is for a issuance of writ of mandamus, directing the first respondent to consider and pass orders on the representations of the petitioners dated 6.3.2017 and 8.1.2018.

3. The case of the petitioners is that the land in R.S.No.179/1 in Kalapatti Village, Subbanna Gounder, Irungur Village, Palladam Taluk, Coimbatore District now in Tiruppur District, measuring to an extent of 3.62 acres was purchased by their father Mr.S.Palani Gounder, by a registered sale deed dated 30.5.1974.

4. It is further stated by the petitioner that after the demise of the petitioners' parents, the land had been in possession and enjoyment of the petitioners. The petitioners would further submit that they now have a proposal to form a layout in their land and approached the first respondent for approval of the plan. But, the respondents have informed that there is no connectivity to the lands in R.S.No.179/1 of Kalapatti Village.

5. According to the petitioners, connectivity can be made by extending 30 feet Road on the North West side of the approved lay out. Hence, they have submitted the representations dated 6.3.2017 and 8.1.2018, to the respondents to connect 30 feet Road on the North West side of the lay out. Since, no action was taken, the present writ petition.

6. The learned counsel for the petitioners would submit that, it is suffice, if a direction is issued to the first respondent to forward the representations of the petitioners dated 6.3.2017 and 8.1.2018 to the third respondent for consideration.

7. The learned counsels appearing for the respondents submitted that the representations of the petitioners dated 6.3.2017 and 8.1.2018, will be considered in accordance with law.

8. In the light of the above submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the first respondent to forward the representations of the petitioners dated 6.3.2017 and 8.1.2018, to the third respondent, within a period of three weeks from the date of receipt of a copy of this order. On such compliance, the third respondent shall pass appropriate orders on the representations of the petitioners, on merits and in accordance with law, after affording an opportunity to all the necessary parties, within a period of twelve weeks, there from.

9.With the above direction, this writ petition is disposed of. However there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
 - 2.The Member Secretary,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore - 641 018.
 - 3.The Director of Town and Country Planning,
Anna Salai,
Chennai - 600 002.
- +1 CC to Mr.T.Ranganathan Advocate Sr.No.15192
- +1 CC to Mr.R.Sivakumar, Advocate Sr.No.15583
- +1 CC to Government Pleader, High Court, Chennai Sr.No.16344

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KP(03/04/2018)

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