

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.5866 of 2018

1. M.Vasantha
2. Balamanikandan
3. H.Lavanya
4. B.Kanagalakshmi

Rep. by their Power Agent,
B.Murali Narasiman

...Petitioners

Vs.

1. The Commissioner,
Director of Town Planning,
807, Anna Salai,
Chennai - 600 002.
2. The Commissioner of Coimbatore Corporation,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.
3. The Member Secretary (in-charge)
Coimbatore Town and Country Planning,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.
4. The Assistant Commissioner,
Coimbatore Corporation,
South Zone,
Sivananda Colony,
Coimbatore - 12.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to pass orders on the recommendation made by the 3rd respondent in his proceedings No.Na.Ka.10743/2017/Uthiki-1, dated 07.02.2018 on the basis of the application given by the petitioner dated 08.12.2017.

For Petitioner : M/s.S.Venkatesh
For Respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. (for RR1 & 3)
Mr.K.Magesh (for RR2 & 4)

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 3 and the learned Standing Counsel appearing for the respondents 2 and 4. By consent of both sides, the Writ Petition is taken up for final disposal.

2. The case of the petitioners is that they became the absolute owner of the property in T.S.Nos.2022/3, 2023/2, 2024, 2025/2 and 2032/2 to an extent of 2.75 acres, through a registered sale deed, at Ward No.3, Block No.8, Kumarapalayan Village, Coimbatore and patta was issued in the name of the petitioners in patta No.322.

3. The grievance of the petitioners is that the name of the Coimbatore Corporation was wrongly entered in the Revenue Records in the said T.S. numbers. Hence, the petitioners gave representation to the 3rd respondent.

4. The learned counsel for the petitioner submitted that the 3rd respondent had already conducted enquiry and forwarded the enquiry report to the 4th respondent, who intturn has recommended the 1st respondent to delete the name of the 2nd respondent. Since no action was taken, the present writ petition.

5. The learned Standing Counsel for the respondents 2 and 4 submitted that now the files are with the 1st respondent and he has to pass orders.

6. The learned Special Government Pleader submitted the 1st respondent is ready to pass orders on merits and in accordance with law.

7. In the light of the limited scope of the prayer sought for in the writ petition and the submissions of learned counsels on either side, this Court, without going into the merits of the case, directs the 1st respondent to pass appropriate orders on the recommendation made by the 3rd respondent in his proceedings in Na.Ka.10743/2017/Uthiku-1, dated 07.02.2018, on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of 10 weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)
Dated: 27.03.2018

* Corrected as per order
dated 12.06.2018 and made in
W.P.5866/2018.
Sd/- Assistant Registrar(CS IX)
Dated: 19.06.2018.

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Director of Town Planning,
807, Anna Salai,
Chennai - 600 002.

To be substituted to the
order already despatched
on 28.03.2018.

2. The Commissioner of Coimbatore Corporation,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.
3. The Member Secretary (in-charge)
Coimbatore Town and Country Planning,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.
4. The Assistant Commissioner,
Coimbatore Corporation,
South Zone,
Sivananda Colony,
Coimbatore - 12.

+2 ccs to M/s.K.Magesh Advocate sr 19893,20977
+1 cc to Mr.S.Venkatesh Advocate sr 20033
+1 cc to the Govt Pleader sr 20948
+1 CC to Mr.S. Venkatesh, Advocate sr 36397.

WP.No.5866 of 2018

aa27/03/2018
SP(19/06/2018)