

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.4912 of 2018

Govel Trust

Rep.by its President Mr.G.Srinivasan

C/o.Aravind Eye Hospital

Avinashi Road, Coimbatore.

... Petitioner

Vs.

1.The Commissioner,
Coimbatore Municipality,
Coimbatore.

2.The Member Secretary,
Coimbatore Local Planning Authority,
Coimbatore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 3.7.2017 to delete the formation of proposed road of 40 feet width road in S.F.No.458, 459, 448 and 449 of Kalapatty Village from the draft scheme.

For Petitioner : Mr.P.Udaya

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. The prayer sought for in this writ petition is to direct the first respondent to consider the representation of the petitioner dated 3.7.2017 and to delete the formation of proposed 40 feet width road in S.F.Nos. 458, 459, 448 and 449 of Kalapatty Village from the draft scheme.

3.The case of the petitioner is that they purchased a land measuring to an extent of 2 acres 80 $\frac{3}{4}$ cents in Kalapatty Village comprised in S.F.Nos.447/2A, 448/3C, 459/2B, 460/1A

part, 460/1B part, 458/2A2 (part) and 258/2 B under a registered sale deed dated 16.3.2016, for the purpose of constructing the outpatient unit of Aravind Eye Hospitals at Coimbatore. When the petitioner approached the respondents for grant of planning permission, they were informed that there is a proposal to form a 40 feet width road in S.F.Nos.458, 459, 448 and 449. According to the petitioner, the Master Plan for Coimbatore Local Planning Area was approved in G.O.Ms.No.611 H&UD, dated 12.10.1994 and in the Detailed Development Plan No.19, there is a proposal to lay roads and cart track in certain survey numbers viz., 434/3, 435/2, 436/2, 437/3, 443/1, 444/2, 774/1 part. As such, there is a misconception that a road is proposed to be formed in the petitioner's land. Hence, the petitioner submitted a representation dated 03.07.2017, to the respondents to delete the proposal of forming a road and consequently release their lands from the D.D.Plan. Since the said representation has not been considered by the respondents, the present writ petition came to be filed.

4. Heard Mr.P.Udaya, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader, takes notice for the respondents and perused the materials placed before this Court.

5. Considering the nature of the relief sought for herein, this Court, directs the respondents to consider the representation of the petitioner dated 03.07.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

ms

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

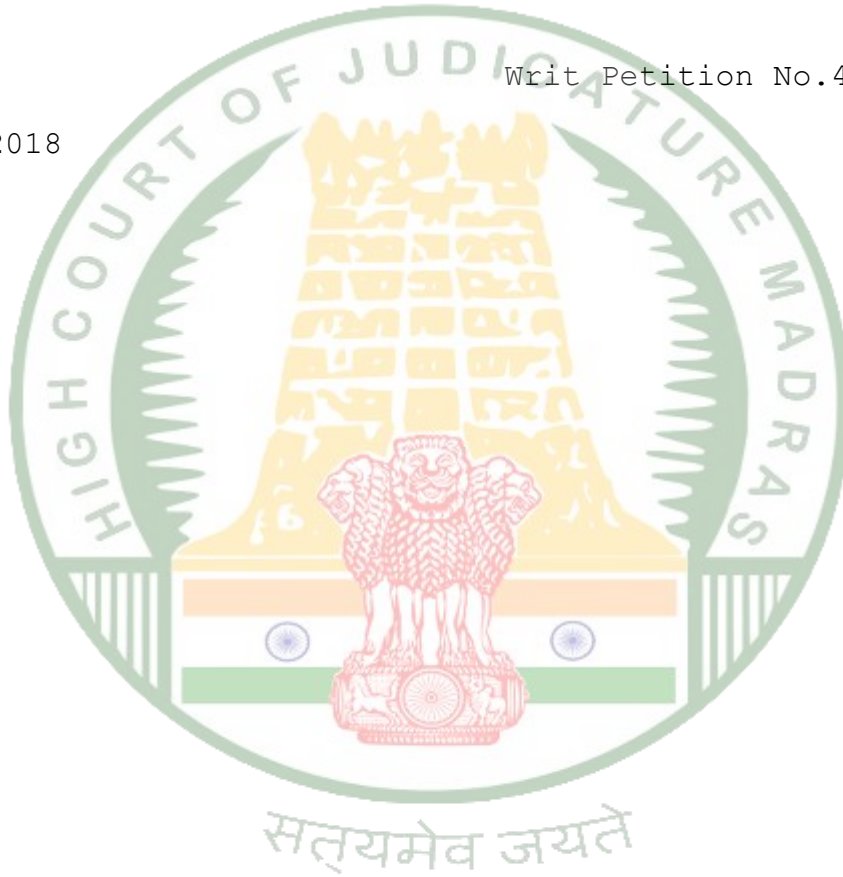
1.The Commissioner,
Coimbatore Municipality,
Coimbatore.

2.The Member Secretary,
Coimbatore Local Planning Authority,
Coimbatore.

+1CC to M/S.P.UDAYA Advocate SR.NO.16895

Writ Petition No.4912 of 2018

MK:15/03/2018



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