

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 09.01.2018  
CORAM  
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4828 of 2013  
and  
W.M.P.No.1 of 2013

A.Venkatachalam

..Petitioner

Versus

- 1.The Commissioner,  
Coimbatore Municipal Corporation,  
Coimbatore.
  - 2.The Member Secretary,  
Local Planning Authority,  
Commercial Complex,  
Sivananda Colony, Coimbatore.
  - 3.The Commissioner,  
Directorate of Town and Country Planning,  
Chennai.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to declare the road having a width of 30 feet at comprised at Survey Nos.T.S.1448/3 part, T.S.1449/2A, 1449/2B at Race Course, Coimbatore, as public road and consequently to implement the earlier Commissioner's order No.32789/83/H5 dated 22.02.1985 and provide all amenities as per rule, at the earliest point of time.

For Petitioner : Mr.J.Pothiraj

For R1 : Mr.J.Sathya Narayana Prasad

For R2 & R3 : Dismissed vide Court  
order dated 04.02.2014

O R D E R

The petitioner has come up with the present Writ Petition for a direction to the first respondent to declare the road having a width of 30 feet comprised at Survey Nos.T.S.1448/3 part, T.S.1449/2A and 1449/2B at Race Course, Coimbatore as public road and consequently to implement the earlier Commissioners order No.32789/83/H5 dated 22.02.1985 and provide all amenities as per rule.

2. Heard Mr.J.Pothiraj, learned counsel appearing for the petitioner and Mr.J.Sathya Narayana Prasad, for the first respondent.

3. The learned counsel for the first respondent submitted that the Road having width of 30 feet comprised at Survey Nos.T.S.1448/3 part, T.S.No.1449/2A and 1449/2B at Race Course, Coimbatore, belongs to one R.Vijay Krishna. Since it is a private property, the Corporation cannot declare the Road as a public Road. It is further submitted that after filing this writ petition, the petitioner has instituted a suit in O.S.No.47 of 2014 before the District Munsif Court, Coimbatore against the owner of the property as well as the Corporation seeking for permanent injunction and also for mandatory injunction. The learned counsel has placed a copy of the plaint before this Court for perusal.

4. In the light of the above facts, I do not find any merit in this Writ petition. Accordingly the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

stm/dpq  
To

1.The Commissioner,  
Coimbatore Municipal Corporation,  
Coimbatore.

2.The Member Secretary,  
Local Planning Authority,  
Commercial Complex,  
Sivananda Colony, Coimbatore.

3.The Commissioner,  
Directorate of Town and Country Planning,  
Chennai.

+1cc to Mr.N.Elumalai, Advocate SR.No.2458

+1cc to Mr.J.Sathya Narayana Prasad, Advocate Sr.No.1627

sm:2.2.2018

W.P.No.4828 of 2013  
and M.P.No.1 of 2013