

W.P.No.16100 of 2007

M.DHANDAPANI, J.

At the instance of the learned counsel appearing for the petitioner, this matter has been posted under the caption “for being mentioned”.

2. The sixth paragraph of the order dated 29.07.2019 in W.P.No.16100 of 2007 shall read as follows:

“At the time of filing the writ petition, the first respondent is the Village Panchayat and the second respondent is the Ward Member and the third respondent at that time, the Commissioner, Tiruppur Panchayat Union. During the pendency of the above writ petition, the Andipalayam Village Panchayat, the first respondent herein has been included within the city limit of Tiruppur City Municipal Corporation on 06.01.2011. Accordingly, the respondents 1 to 3 hereinafter are called Tiruppur City Municipal Corporation. On perusal of the entire records, it is seen that 1004 plots were approved in the year 1983 and 13 plots in question were approved in the year 1986 by the fifth respondent. The above said approval was made by the fifth respondent at the instance of the fourth respondent. In view of the subsequent development of the first respondent being merged with the Tiruppur City Municipal Corporation, the Commissioner, Tiruppur City Municipal Corporation is now

impleaded as sixth respondent. In the above said revised plan, 15.95 acres were earmarked for public purpose. According to the petitioners, subsequently the said 13 plots were sold to the petitioners pursuant to the approved layout. The petitioners also agreed that 15.95 acres were earmarked for public purposes at the time of formation of layout. However, the prayer sought for in the writ petition cannot be considered by this Court now. However, the Commissioner, Tiruppur City Municipal Corporation is directed to conduct a detailed survey and enquiry along with his officials by following due process of law whether the fourth respondent has sold the property earmarked for public purpose in favour of the petitioners by violating due process of law and after giving due opportunity to both the parties, the sixth respondent is directed to pass appropriate orders on merits and in accordance with law. This Court makes it clear that the property earmarked for public purpose cannot be alienated in favour of the petitioners or any individuals.”

3. The Registry is directed to issue a fresh order copy in W.P.No.16100 of 2007 dated 29.07.2019 after making necessary corrections.

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06.11.2019

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