

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20866 of 2008
and
W.M.P.No. 1 & 2 of 2008

R.Ravindra Raj

..Petitioner

vs

1. The Assistant Commissioner
East Zone,
Coimbatore Corporation,
Singanallur,
Coimbatore-641 005.

2. The Commissioner,
Coimbatore Corporation,
Town Hall, Coimbatore.

3. The District Collector,
Coimbatore.

4. The Special Tahsildar, (LA),
(Adi Dravidar Welfare),
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, to call for the records of the 1st respondent in Na.Ka.No.11080/2008/KE H1, dated 20.08.2008 and quash the same.

For Petitioner : Mr.M.Ashwin kumar
for Sarvabhavan Associates.

For Respondent : Mr.J.Sathyanarayana Prasad
for R1 and R2.
Mr.M.Elumalaian
for R3 and R4.

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in Na.Ka.No.11080/2008/KE H1, dated 20.08.2008 and quash the same.

2. The petitioner is a bonafide purchaser of the land in Survey No.88/1 and 90/1 of Uppilipalayam Village to an extent of 57.7 cents. The revenue records show that patta was granted in favour of the petitioner. The Local Ward Member came to the spot and enquired for the details of the approval. He threatened the petitioner not to construct the building without the sanction and the petitioner told him about the details of the property. But the ward member was not in a position to accept the petitioner's reply. The petitioner has obtained planning permission from the Local Planning Authority and subsequently, from the Coimbatore Corporation also and was continuing with the construction. The first respondent issued a notice for stopping the progression of the construction of the building. Aggrieved by the same, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the land in Survey No.88/1 and 90/1, a notice was issued. Apart from these two survey numbers, the lands in S.No.89/1 was the subject matter of acquisition under the Land Acquisition Act 1894 for providing house sites to Adi Dravidars by issuing a notification under Section 4(1) of the Act in G.O.Ms.No.5095 dated 14.06.1985. However, subsequently the said land acquisition proceedings were dropped.

4. The learned counsel for the respondents submitted that on the complaint received from the general public, a notice for stopping the progression of the construction of the building was issued by the Corporation. In this regard, the said lands in which the property under issue is situated was originally sought to be acquired under the Land Acquisition Act for the allotment of the same to the Adhi Dravidar people. The process was being carried on for a longer period but did not yield any result. Therefore, the Government had dropped such a proposal. This gave to the petitioner to construct the building. The construction was approved by the Local Planning Authority and consequently by the Corporation.

5. Heard both sides and perused the materials placed on record.

6. On a perusal of the record, it is stated that the petitioner has completed the building construction and running a

Marriage Hall in the said lands and the property is assessed to property tax by the Corporation and the petitioner is paying the property tax also without any default and it is also ascertained that there are no Land Acquisition proceedings pending regarding the petitioner's property.

7. In view of the above submissions, no further adjudication needs to be entertained in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands closed. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ssb

To

1. The Assistant Commissioner
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3. The District Collector,
Coimbatore.
4. The Special Tahsildar, (LA),
(Adi Dravidar Welfare),
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+1 CC to M/s. Sarvabhavan Associates sr 48136.
+1 CC to Mr. J. Sathyanarayana Prasad, Advocate sr 47956.
+1 CC to Govt. Pleader sr 48654.

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and

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VGII (CO)
SP(10/07/2019)