

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 21752 of 2008

and

M.P.No. 1 to 3 of 2008

Peelamedu Bharathi Colony Veetumanai
Urimaiyalargal Pothunala Sangam

[Registration No.2000/0307]

East Rotary Community Hall, Bharathi Colony,
Peelamedu, Coimbatore- 641 004.

Rep. By its Secretary
Mr.J.Radhakrishnan.

...Petitioner

vs

1. The Secretary to Government
Revenue Department,
Fort St., George, Chennai - 600 009.
2. The Commissioner of Town and Country Planning
807, Anna Salai,
Chennai - 600 002.
3. The Commissioner
Corporation of Coimbatore
Big Bazar Street, Coimbatore - 641 001.
4. The District Collector/Chairman
Local Learning Authority
Coimbatore
5. The Member Secretary/Joint Director
Local Planning Authority
Corporation Commercial Complex,
Tatabad, Sivananda Colony,
Coimbatore - 641 012.
6. The Town Planning Officer,
Corporation of Coimbatore
Coimbatore.

7. M/s.Shankar Foundation
Rep. by its Partners
Mr.Omkar Shankarm &
Mr.Ramani Shankar
No. 27, Sengupta Street,
Ram Nagar, Coimbatore - 9.
8. Mr.Vetrivel
9. Mr.Subodh Prasanna Shankar
- 10.Mr.Siddarth Gopala Sankar
11. Mr.Omkar Shankar
12. Mr.V.Sivasubramania Guhan
13. Mr.M.Subramaniam
14. People Charity
Rep. by A.Ramalingam
No. 27/1, Commissionarate Road,
Bangalore - 560 025. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, to call for the entire records in connection with the proceedings of the 1st respondent dated 26.4.2007 in G.O.Ms.No.220 Revenue[Ne.Mu.5] Department and that of the proceeding of the 3rd respondent dated 17.12.2007 in B.L.No.475/2005/H2[N] and B.A.No.639/2005/H2[N] and quash the same and consequently forbear the respondents from in any way acting in furtherance of the impugned proceedings with reference to the S.F.No.426 part, Sowripalayam Village, Coimbatore.

For Petitioner : Mr.M.Sriram

For Respondents: Mr.J.Rameshwar, AGP
for R1, R2 & R4
J.Sathya Narayana Prasad
for R3
Mr.R.Parthasarathy for R7 to 12

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, to call for the

entire records in connection with the proceedings of the 1st respondent dated 26.4.2007 in G.O.Ms.No.220 Revenue [Ne.Mu.5] Department and that of the proceeding of the 3rd respondent dated 17.12.2007 in B.L.No.475/2005/H2[N] and B.A.No.639/2005/HW[N] and quash the same and consequently forbear the respondents from in any way acting in furtherance of the impugned proceedings with reference to the S.F.No.426 part, Sowripalayam Village, Coimbatore.

2. The petitioner Association is a Registered Association under the Societies Registration Act, having Registration No.2000/0307. The petitioner Association was formed from and amongst the residents of Bharathi Colony, Peelamedu, Coimbatore City for the purpose of bringing unity among the residents of that area and to canvass for their needs for civic and other basic amenities. The Association is voicing the grievances of its members to the Local Authorities and to the Government whenever occasion arises. There are a few more residential layouts around the Bharathy Colony, viz., Gopal Nagar, Shringar Nagar, Lal Bahadur Colony, Shringar Nagar Extension, Surya Gardens and K.E.N. Layout. There are also residential areas in the Survey Fields of S.F.No. 416, 417, 431 and 426 which are contiguous and adjoining areas.

3. The entire survey fields of which the above referred Nagars were formed are connected through the 40 feet main road, which connects the Avinashi Road. Though the development was very recent, the rapidness in it has made the 40 feet Road incompatible so far as the road traffic is concerned. The other amenities are also not upto the expectation. There are no proper drainage facilities and there is no storm water drainage in most of the areas. This apart, while sanctioning the layout, no proper care was taken by the Coimbatore Municipality and Corporation, and as a result the interconnected roads are reduced to only 15-20 feet width.

4. While being so, the 7th respondent, represented by its partner and other respondents who are Power of Attorney Agents, proposed to construct high rise buildings in the northern side of S.F.No.426. By misrepresenting and manipulating, they seem to have obtained building permission by disusing of water course and obtained false certificates to the effect that there is a bridge of 55 feet wide connecting the plot of land to Avinashi Road. There is no bridge in that area and water course was obliterated by the 7th respondent and others with a view to get building permission. The petitioner has filed the writ petition in W.P.No. 29996 of 2005 and the writ petition is pending. Similarly, the other members of the said surrounding colonies also filed a writ petition in W.P.No.30141 of 2005 praying for a

writ of mandamus, forbearing the respondents 1 to 5 from processing and approving the application for building permission for high rise buildings in favour of the respondents 7th to 14th. Subsequently, the Revenue Divisional Officer by order dated 17.2.2006 cancelled the certificate issued on 14.03.2005 by the Tashildhar granting permission to construct the bridge. Thereafter, verifications were made and the petitioner and the entire public were shocked to note that the Government has passed the impugned order dated 26.04.2007, based on which the 3rd respondent seems to have granted a building permission, in favour of the 8th respondent. Challenging the said G.O, the present writ petition is filed.

5. The learned Additional Government Pleader appearing for the respondents 1,2 & 4, on instructions, would submit that the permission of High rise building was cancelled. However, the learned counsel for the respondents, on instruction, would submit that after the above said order was passed, the 8th respondent sold the property to one M/s.Ramalingam in the year 2015 vide sale Deed No. 692 of 2015. There is no multi storey building put up in the Survey number 416,417,426,431 of Sowripalayam Village. Similarly, connected W.P.No. 29996 of 2005 and 30141 of 2005 were disposed on 05.12.2018 by recording the submission of the learned counsel of the petitioner therein.

6. On a perusal of the above said G.O., it reveals that disputed land is a poramboke land to an extent of 1.76 acres and subsequently, transferred to the 3rd respondent.

7. At this stage, the learned counsel appearing for the 3rd respondent/Coimbatore Corporation submits that on transfer to some of their parties, automatically G.O. is lapsed.

8. The learned Additional Government Pleader appearing for the respondents 1,2 & 4 has confirmed that the G.O. is not in existence, since the respondents sold the land to some of their parties.

9. In view of the above, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government,
Revenue Department,
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2. The Commissioner of Town and Country Planning
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Chennai - 600 002.
3. The Commissioner
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Tatabad, Sivananda Colony,
Coimbatore - 641 012.
6. The Town Planning Officer,
Corporation of Coimbatore
Coimbatore.

+lcc to M/s.J.Sathyannarayana Prasad, Advocate Sr.53913
+lcc to the Government Pleader Sr.53986

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W.P.No. 21752 of 2008

rsv[col]
srg 10/09/2019

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