



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17887 of 2010

And

M.P.Nos.1 and 2 of 2010 and 1 of 2012

Kurichi Housing Unit Scheme I Nalapani Sangam

Rep. by its President,

Dr.A.Gnanasekaran

... Petitioner

Vs.

1. The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 009.

2. The Assistant Director,
Kurichi New Town Development Authority,
Kurichi Housing Unit Scheme I,
Coimbatore - 641 021.

3. Executive Officer,
Kurichi III rd Grade Municipality,
Podanur,
Coimbatore - 641 023.

4. V.Kalyanaraman

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 to 3 from sanctioning approval/ permission to the 4th respondent for putting up any construction in the vacant land, reserved for primary school and play space area situated in the sanctioned plan KURICHI NH ph -1 Scheme, bearing Survey No.163/2A Part of Kurichi Village, Coimbatore (South) Taluk, marked as Primary School with play Space No.CHU 054 and measuring 41514 sq.ft. and thereabouts and bounded on the NORTH by - 30' Road, EAST by - 50' Road, SOUTH by - 30' Road, WEST by - 30' Road and Splay on NE - 15 'O", SE - 11 'O", SW - 7 'O", NW - 7 'O", Measuring on the North - 171 feet, On the East - 209 Feet, On the South - 169 Feet and On the West - 216 and all measuring 41514 Sq.ft. pending disposal of the above writ petition.



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For Petitioner : Mr.S.Kadarkarai

For Respondents: Mrs.K.Bhuvaneswari for R1 and R2
Additional Government Pleader

Ms.S.Anitha for R3

M/s.Aiyer & Dolia for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 to 3 from sanctioning approval/ permission to the fourth respondent for putting up any construction in the vacant land, reserved for primary school and play space area situated in the sanctioned plan KURICHI NH ph -1 Scheme, bearing Survey No.163/2A Part of Kurichi Village, Coimbatore (South) Taluk, marked as Primary School with play Space No.CHU 054 and measuring 41514 sq.ft. and thereabouts and bounded on the NORTH by - 30' Road, EAST by - 50' Road, SOUTH by - 30' Road, WEST by - 30' Road and Splay on NE - 15 'O", SE - 11 'O", SW - 7 'O", NW - 7 'O", Measuring on the North - 171 feet, on the East - 209 Feet, on the South - 169 Feet and on the West - 216 and all measuring 41514 sq.ft. pending disposal of the above writ petition.

2.The learned counsel appearing for the petitioner is unable to produce any record to show that the disputed property was allotted for public purpose.

3.The learned counsel appearing for the fourth respondent would submit that the fourth respondent is the owner of the property and he purchased the property from the Tamil Nadu Housing Board on 02.01.2009 vide sale deed dated 02.01.2009.

4.The petitioner is claiming right over the property and admittedly there is no proof to show the petitioner's right over the property. The petitioner has not produced any document to show that the petitioner owned the property or to show that the property is earmarked for public purpose. In the absence of any materials to substantiate the petitioner's claim, this writ petition cannot be entertained.

5.The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//



Sub Assistant Registrar

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To

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1. The Director of Town and Country Planning,
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Chennai - 600 009.
2. The Assistant Director,
Kurichi New Town Development Authority,
Kurichi Housing Unit Scheme I,
Coimbatore - 641 021.
3. The Executive Officer,
Kurichi III Grade Municipality,
Podanur,
Coimbatore - 641 023.

+1 cc to M/s.Aiyar & Dolia, Advocate, S.R.No.63151

+1 cc to M/s.S.Kadarkarai, Advocate, S.R.No.63024

+1 cc to the Government Pleader, S.R.No.63345

W.P.No.17887 of 2010

And

M.P.Nos.1 and 2 of 2010

and 1 of 2012

PP(CO)

SSM(30/08/2019)