

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.13427 of 2019

B.Suresh Kumar ... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration & Water
Supply Department,
Fort St. George, Chennai - 600 009.

2.State of Tamil Nadu,
Rep. by its Secretary,
Rural Development & Local
Administration Department,
Fort St. George, Chennai - 600 009.

3.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai - 600 002.

4.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

5.The Member Secretary,
Local Planning Authority,
Coimbatore Corporation Commercial Complex,
Sivananda Salai, Coimbatore. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to dispose of the petitioner's representation, dated 08.03.2019 within a stipulated period.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for R1, R3 & R5

Mr.J.Sathyanarayana Prasad for R4

O R D E R

Mr.V.Shanmuga Sundar, learned Special Government Pleader takes notice for the respondents 1, 3 & 5; Mr.J.Sathyanarayana Prasad, learned counsel takes notice the fourth respondent. By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondents to dispose of the petitioner's representation, dated 08.03.2019 within a time frame manner.

3. On an earlier occasion, the petitioner has approached this Court, by filing a Writ Petition in W.P.No.16918 of 2013 and sought for a direction to the respondents to denotify 80 feet Scheme Road in Nanjappa Nagar Layout and this Court, by an order dated 19.09.2016, closed the said Writ Petition, based on the stand taken by the Commissioner, Coimbatore City Municipal Corporation in the counter affidavit that the road portion of the schedule property was not acquired or purchased within a period of three months from the date of publication of the Scheme under Section 26 of the Town and Country Planning Act and by operation of Section 38 of the Act, the Scheme Road is dropped and the owner of the property can deal with the same. According to the petitioner, till 19.09.2016 the public in and around Singanallur as well as the owners were put to understand that the Scheme Road is in existence and in view of that, the owners of the property were unable to develop the land reserved for Scheme Road (80 feet Scheme Road), which approximately admeasure 1 acre and the act of the local planning authorities has caused irreparable loss to him and his family members. Hence, the petitioner made a representation on 08.03.2019. However, till date there was no response from the respondents. Hence, the present Writ petition.

4. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is given to the respondents to consider the representation of the petitioner, dated 08.03.2019.

5. The learned Special Government Pleader appearing for the first respondent submitted that the representation of the petitioner, dated 08.03.2019 will be considered by the fifth respondent, within a time frame manner, as fixed by this Court.

6. In the light of the submissions made by the learned counsel on either side and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the fifth respondent to consider the representation of the petitioner, dated 08.03.2019, and pass orders on merits and in accordance with law, as early as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Secretary,
Municipal Administration & Water
Supply Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Secretary,
Rural Development & Local
Administration Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

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4.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

5.The Member Secretary,
Local Planning Authority,
Coimbatore Corporation Commercial Complex,
Sivananda Salai, Coimbatore.

+1cc to Mr.J.Sathyanarayana Prasad, Advocate sr.42160
+1cc to Mr.A.S.Balaji, Advocate sr.42590
+1cc to Government Pleader sr.43245

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nr 25/06/2019



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