

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.9462 of 2015

M.Sengottaiyan (deceased)

1.S.Lakshmi

2.S.Prakash

3.S.Brindhadevi

.. Petitioners

Vs

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Chennai - 9.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

3.The District Collector,
Coimbatore District.

4.The Commissioner,
O/o. The Director of Town and Country Planning,
807, Anna Salai, Chennai - 2.

5.The Member/Secretary,
Coimbatore Local Planning Authority,
Corporation Complex,
Sivanantha Colony, Coimbatore-600012.

6.M/s.Madavalakshmi Mills Pvt. Ltd.,
Rep. By its Managing Director
M.N.Padmanabhan,
306, Sathy Road,
Saravanampatti, Coimbatore-35.

7.M/s.Brookefields Estates Pvt. Ltd.,
Rep. By its Managing Director Subramanian,
Developer of Bookfiedls,
Nos.67 to 71, Krishnaswamy Road,
Coimbatore-641 001.

8.Mr.Dharmendra Pradap Yadev

9.Mr.Chandrasekaran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned order in G.O. (2D) No.19, dated 10.03.2015, passed by the first respondent, quash the same, consequently direct the respondents 1 to 5 to delete or re-locate the proposed Scheme Road (B1B1) in the Detailed Development Plan No.7 as it was in the original proposal prior to 2008, to protect the petitioner's property measuring an extent of 11.82 cents bearing S.No.178/2C2, Saravanampatti Village, Coimbatore Taluk, Coimbatore District, by considering his representations dated 29.10.2013, 11.11.2013, 17.12.2013, 08.05.2014, 13.11.2014, 20.11.2014 and 21.11.2014.

For Petitioners : Mr.N.Manoharan

For R1, R3 to R5 : Mrs.Sri Jayanthi, Spl.GP

For R2 : Mr.R.Sivakumar

For R6 & R7 : Ms.P.Veena Suresh

For R8 & R9 : No Appearance

ORDER

Heard Mr.N.Manoharan, learned counsel for the petitioner, Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for the respondents 1 and 3 to 5, Mr.R.Sivakumar, learned counsel appearing for the second respondent and Ms.P.Veena Suresh, learned counsel appearing for the respondents 6 and 7.

2. The petitioner seeks to quash the impugned order dated 10.03.2015 passed by the first respondent with a consequential direction to the respondents 1 to 5 to delete or re-locate the proposed Scheme Road (B1B1) in the Detailed Development Plan No.7 as it was in the original proposal prior to 2008, to protect the petitioner's property measuring an extent of 11.82 cents bearing S.No.178/2C2, Saravanampatti Village, Coimbatore Taluk, Coimbatore District, by considering his representations dated 29.10.2013, 11.11.2013, 17.12.2013, 08.05.2014, 13.11.2014, 20.11.2014 and 21.11.2014.

3. Learned counsel appearing on either side submits that on account of subsequent development and the order passed by the Director of Town and Country Planning, Chennai, dated 06.09.2019, issuing draft variation under Section 33(1) of the Town and Country Planning Act, 1971, and the subsequent Notification issued by the Government in Tamil Nadu Government Gazette in Roc.No.10483/2019/TCP3, dated 06.09.2019, the scheme road has been dropped.

4. In the light of the above, the writ petition is disposed of in the light of the orders passed by the Director of Town and Country Planning, Chennai, dated 06.09.2019, and also in the light of the Government Order which has been issued subsequently. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Chennai - 9.
- 2.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.
- 3.The District Collector,
Coimbatore District.
- 4.The Commissioner,
O/o. The Director of Town and Country Planning,
807, Anna Salai, Chennai - 2.
- 5.The Member/Secretary,
Coimbatore Local Planning Authority,
Corporation Complex,
Sivanantha Colony, Coimbatore-600012.

+1cc to Mr.N.Manoharan , Advocate SR.No. 138851
+1 cc to Government Pleader Sr.No. 14521

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A.SK(16/03/2020)