



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.9492 to 9494 of 2015 and  
M.P.Nos.1 to 1 of 2015

|                |                                     |
|----------------|-------------------------------------|
| S.Annakodi     | ...Petitioner in WP.No.9492 of 2015 |
| V.Gunasekaran  | ...Petitioner in WP.No.9493 of 2015 |
| V.Kalaiselavan | ...Petitioner in WP.No.9494 of 2015 |

Vs

1. The Secretary,  
Rural Development and Panchayat Raj  
St. George Fort, Chennai - 9.
2. The District Collector,  
Collectorate, Coimbatore.
3. The Special Commissioner,  
Town and Country Planning,  
No.807, Anna Salai, Chennai - 600 002.
4. The Executive Officer,  
Gudalore Town Panchayat,  
Naickanpalayam Post,  
Coimbatore - 641 020.
5. The District Planning Officer,  
Sarva Siksha Abhyan (SSA)  
Raja Street, Coimbatore - 641 001. ...Respondents in all WPs

Prayer in WP.No.9492/2015: Petition filed Under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the 4th and 5th respondents their men, agents, subordinates, servants or any other person claiming through them, from putting up or proceed with further construction in respect of the Plot No.11 & 12 in land in S.No.38/1 and 38/2, of an extent of 48 cents in Vivekandan Nagar, Gudalore Village Coimbatore District.

Prayer in WP.No.9493/2015: Petition filed Under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the 4th and 5th respondents their men, agents, subordinates, servants or any other person claiming



through them, from putting up or proceed with further construction in respect of the Plot No.7 in land in S.No.38/1 and 38/2, of an extent of 48 cents in Vivekandan Nagar, Gudalore Village Coimbatore District.

Prayer in WP.No.9494/2015: Petition filed Under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the 4th and 5th respondents their men, agents, subordinates, servants or any other person claiming through them, from putting up or proceed with further construction in respect of the Plot No.8 in land in S.No.38/1 and 38/2, of an extent of 48 cents in Vivekandan Nagar, Gudalore Village Coimbatore District.

For Petitioners : Mr.V.Subbarayan (in all WPs)

For Respondents 1 to 3 : Mr.K.M.D.Muhilan  
Government Advocate (in all WPs)

For 4th Respondent : Mr.Mukund R.Pandian (in all WPs)

#### COMMON ORDER

The relief sought for in the present writ petitions is to forbear the respondents 4 and 5 their men, agents, subordinates, servants or any other person claiming through them from putting up or proceed with further construction in respect of the Plot Nos.11, 12, 7 and 8 respectively in land S.No.38/1 and 38/2 to an extent of 48 cents situated at Gudalore Village, Coimbatore District.

2. The grievance of the petitioners is that the petitioners apprehend that the respondents 4 and 5 may construct a School, Nutrition Meal Centre building and Toilet at any time hereafter in Plot Nos.11, 12, 7 and 8 apart from the portion of the School already constructed in Plot No.10 unauthorisedly. Thus, these writ petitions are filed based on mere apprehension. The Executive Officer, Gudalore Town Panchayat, Coimbatore filed counter affidavit stating as follows:

"4.With regard to the allegation in para.6 I submit that the above said 48 cents was earmarked for school alone, but the alleged Purchaser Vasantha plotted out the same and sold the plots to the petitioner herein and others. I submit that due to the request and representation of the Parents of the Vivekananda Nagar where the abovesaid 77 plots were previously formed and building constructed by several people, the 5th respondent herein i.e. Sarva Siksha Abhyan (SSA) constructed an school to an extent of 750 sq.ft. and the school is already started on and from 27.7.2010



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and classes of 1 to 5 are running there. Therefore the present writ petition filed by the petitioner as if the respondents are constructing school in the above said 48 cents is absolutely false and incorrect. Already school is constructed and running the same as on date. The allegation in para 6 of the affidavit that the land was sought to be grabbed by 4th and 5th respondent to make an unlawful gain of abuse of funds taking shelter under SSA Scheme is absolutely false and incorrect."

3. In view of the fact that the 4th respondent has stated that the School was constructed to an extent of 750 sq.ft. and the School is under functioning from the year 2010, the apprehension of the petitioners is false. This Court is of the considered opinion that mere apprehension in this regard cannot be construed as a cause for the purpose of granting the relief. If at all any illegal construction is put up, then it is for the petitioners to approach the competent authorities for initiation of action in accordance with law. Contrarily, the relief in the nature of injunction cannot be granted based on mere apprehension in a writ proceedings.

4. With these observations, all the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary,  
Rural Development and Panchayat Raj  
St. George Fort, Chennai - 9.
2. The District Collector,  
Collectorate, Coimbatore.
3. The Special Commissioner,  
Town and Country Planning,  
No.807, Anna Salai, Chennai - 600 002.



- +1 CC to The Government Pleader, Sr.No. 48974, 49039.

PCH (CO)  
LS (20/10/2021)