



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.11354 of 2021
and W.M.P.No.12000 of 2021

G.Jagannathan

... Petitioner

Vs.

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondent Corporation from laying new road in the land belonging to the petitioner situated at Vilankurichi Village comprised in Survey No.409 and 410, T. S.No.2/2 & 5/1, Ward No.26, Block No.8, measuring an extent of 1312 sq. mtr.

For Petitioner : Mr.T.Shanmugam

For Respondents : Mr.K.Magesh
Standing Counsel

O R D E R

This writ petition has been filed for the issue of writ of mandamus forbearing the respondent Corporation from laying any road in the patta lands belonging to the petitioner.

2.The respondent has filed a counter affidavit and Paragraph No.4 of the counter is extracted hereunder:

4.I state that the respondent Corporation never attempted to lay any new road on the land comprised in Survey No.409 and 410, T. S.No.2/2 & 5/1, Ward No.26, Block No.8, measuring an extent of 1312 sq. mtr. After filing of the present writ petition, the respondent official inspected the place and enquired with the Tamil Nadu Housing Board and came to know that as early as during the year 1994, the properties situated in S.F.No.410/1 of Vilankurichi Village, to an extent of 2.79.0 Hectares were acquired by the Special Tahsildar (LA) Housing Unit, Coimbatore. Hence the



present writ petition as against the respondent Corporation is not maintainable and is liable to be dismissed.

3.It is clear from the above that the respondent Corporation is not attempting to lay any road in the patta lands belonging to the petitioner. It is stated in the counter that there has been some acquisition proceedings for the Tamil Nadu Housing Board and therefore, the Corporation has nothing to do with the apprehension raised by the petitioner.

4.In view of the specific stand taken by the Corporation, except recording their stand, no further orders can be passed in this writ petition. If at all the petitioner is aggrieved by the acquisition of lands for Tamil Nadu Housing Board, the petitioner has to independently workout their remedy in the manner known to law. Except giving this clarity, no further orders can be passed in this writ petition.

5.This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr

To
The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

+1CC to Mr.K.Magesh, Advocate, Sr.No.42712
+1CC to Mr.T.Shanmugam, Advocate, Sr.No.42886

W.P.No.11354 of 2021
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AK (CO)
K.RK. (16.09.2021)