



IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15169 of 2021 and
WMP No.16061 of 2021

Pushpalatha

... Petitioner

Vs.

1. The District Collector,
Coimbatore District.
2. The Joint Director,
Town and Country Planning Office,
Dr.Nanjappa Road,
Corporation Shopping Complex,
Coimbatore District 641 018.
3. VIP Estates LLP,
rep. by its Partner Subramaniam,
No.55, SIDCO Industrial Estate,
Andipalayam Post, Thiruchengodu,
Namakkal District.

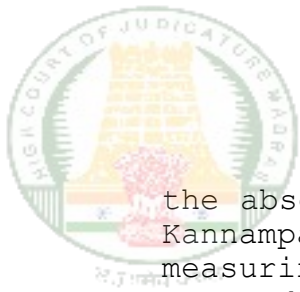
.... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus forbearing the second respondent from granting the layout approval that is proposed by the third respondent by deliberately including the petitioner's land comprised in S.F.No.123/1B, Kannampalayam Village, Sulur Taluk, Coimbatore District without considering the petitioner's objection sent vide representation dated 14.07.2021.

For petitioner : Mr.D.R.Arunkumar
For respondents : Mr.A.Selvendran, Govt.Adv.
for R1 to R2.

ORDER

This writ petition has been filed seeking to issue a writ of Mandamus forbearing the second respondent from granting the layout approval that is proposed by the third respondent by deliberately including the petitioner's land comprised in S.F.No.123/1B, Kannampalayam Village, Sulur Taluk, Coimbatore District without considering the petitioner's objection sent vide representation dated 14.07.2021.



2. The contention of the petitioner is that, he is the absolute owner of the property comprised in S.F.No.123/1B, Kannampalayam Village, Sulur Taluk, Coimbatore District measuring to an extent of 0.17 acres.17 cents and the third respondent purchased a land adjacent to his land comprised in S.F.No.123/1A and 124/2. According to the petitioner, the third respondent had presented a proposal to develop the property purchased by him as layout, including the petitioner's property comprised in S.F.No.123/1B also. Hence, the petitioner has made a representation dated 14.07.2021 to the second respondent, raising his objection, but there was no response from them. The apprehension of the petitioner is that if the second respondent approved the layout proposal of the third respondent, without considering his objection, he will put into irreparable loss and hardship. Hence this writ petition.

3. Mr.A.Selvendran, learned Standing Counsel for the Government takes notice for the respondents R1 and R2.

4. By consent of both counsels to the parties, this court takes this matter for final disposal.

5. The learned Standing Counsel appearing for the Government submitted that the representation of the petitioner will be considered, if no approval was already granted to the third respondent for the layout.

6. Considering the facts and circumstances of this case and the submission made by the learned counsel appearing for the respondent, without going into the merits and demerits of the case, this court directs the second respondent that, if no approval was already granted to the third respondent for the layout, to consider the petitioner's objection/representation dated 14.07.2021 and pass orders on merits, in accordance with law, after providing opportunities to the parties concerned.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mst
To

1. The District Collector,
Coimbatore District.



2. The Joint Director,
Town and Country Planning Office,
Dr.Nanjappa Road,
Corporation Shopping Complex,
Coimbatore District 641 018.

WEB COPY

+1cc to Mr.D.R.Arun Kumar , Advocate SR.No. 35798

+1 cc to Government Pleader Sr.No. 36231

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PMK (CO)

A.SK(19.08.2021)