



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P.No.16185 of 2019

R.Subbulakshmi

... Petitioner

Vs.

1.The Deputy Director

Directorate of Town and Country Planning
Coimbatore Regional Office,
Corporation Shopping Complex - 2nd Floor,
Dr.Nanjappa Road,
Coimbatore.

2. The Assistant Director,

Directorate of Town and Country Planning,
Coimbatore Regional Office,
Corporation Shopping Complex - 2nd floor,
Dr.Nanjappa Road,
Coimbatore.

3. Mrs.Sakthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent dated 11.03.2019 bearing Ref.No.Na.Ka.No.2217/2018 Kooma3 and quash the same and consequently direct the Respondents 1 and 2 to grant approval of the petitioner for the laying out of the lands comprised in S.F.No.330/2B2, Paduvampalli Village, Sulur Taluk, Annur Sub-Registration District, Coimbatore Registration District, pursuant to the Petitioner's online application No.201800601010415 within a time frame.

For Petitioner : Mr.T.Saikrishnan

For Respondents 1&2 : Mr.M.Elumalai
Special Govt.Pleader

For Respondent No.3 : Mr.N.Manoharan



O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent dated 11.03.2019 bearing Ref.No.Na.Ka.No.2217/2018 Kooma3 and quash the same and consequently, direct the Respondents 1 and 2 to grant approval of the petitioner for the laying out of the lands comprised in S.F.No.330/2B2, Paduvampalli Village, Sulur Taluk, Annur Sub-Registration District, Coimbatore Registration District, pursuant to the Petitioner's online application No.201800601010415 within a time frame.

2. The petitioner, who is having lands in S.F.No.330/2B2, Paduvampalli Village, Sulur Taluk, Annur Sub-Registration District, Coimbatore District, intended to develop the land by forming layout for housing site and also made an application to the 2nd respondent for layout approval in the year 2018 through online and also paid necessary fees for the same. The 1st respondent, by the order impugned dated 11.02.2019, rejected the application of the petitioner, by referring the objection raised by the 3rd respondent that suits in O.S.No.1547/2018 and O.S.No.395/2017 have been filed and pending and hence, the approval for the layout cannot be considered by them. Aggrieved over the same, this Writ Petition is filed.

3. Mr.N.Manoharan, learned counsel appearing for the 3rd respondent would submit that the 3rd respondent is having properties to an extent of 10.46 acres in S.F.Nos.331/2, 347/1 and 349/1A which is situated on the western side of the petitioner's property. He would further submit that in view of the layout proposed by the petitioner, the access to the road from the 3rd respondent's property will be prevented. In this regard, the 3rd respondent has also filed a suit in O.S.No.395/2017 before the District Munsif Court, Sulur, for the relief of permanent injunction as against the writ petitioner and others and the same is pending.

4. It appears that the 2nd respondent, by referring the suit filed by the 3rd respondent and on the apprehension that if the layout is approved, it will prevent the 3rd respondent from having access to the main road from his property, has passed the impugned order stating that the request of the petitioner for approval of layout cannot be granted, as there is a property dispute between the petitioner and the 3rd respondent.

5. Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the claim made by the petitioner, dispose the Writ Petition by setting aside the impugned order passed by the 2nd respondent and



remitting the matter back to the 1st respondent to consider the claim of the petitioner afresh, by providing an opportunity of hearing to the petitioner and the 3rd respondent and to take a decision on the same and also direct the 1st respondent to communicate the decision taken to the petitioner and the 3rd respondent, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Deputy Director

Directorate of Town and Country Planning
Coimbatore Regional Office,
Corporation Shopping Complex - 2nd Floor,
Dr.Nanjappa Road,
Coimbatore.

2. The Assistant Director,

Directorate of Town and Country Planning,
Coimbatore Regional Office,
Corporation Shopping Complex - 2nd floor,
Dr.Nanjappa Road,
Coimbatore.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.21820

+1cc to M/s.T.Saikrishnan, Advocate, S.R.No.21667

+1cc to the Government Pleader, S.R.No.21939

W.P.No.16185 of 2019

PMK(CO)

SB(12/08/2021)