

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.20323 of 2020
and
W.M.P.Nos.25120 & 25124 of 2020

1.V.Bayyannan
2.M.Palaniammal
3.B.Balaji

... Petitioners

Vs

1. The Director,
Town and Country Planning Department,
Chengalvarayan Building,
No.807, Anna Salai,
Chennai-600 002.
2. The Deputy Director,
Town and Country Planning,
Coimbatore Region,
Dr.Nanjappa Road,
Coimbatore-641 018.
3. Coimbatore Local Planning Authority,
First Floor, Corporation Shopping Complex,
Raju Naidu Street,
Sivananda Colony,
Coimbatore-641 012.
4. The Executive Officer,
Othakalmandapam Town Panchayat,
Velandavalam Road,
Othakalmandapam,
Coimbatore-641 032.
5. The Sub-Registrar,
Office of the Sub-Registrar,
No.15/117, Coimbatore Pollachi Road,
Kinathukadavu-642 109.
6. S.Saravanakumar

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 1st and 2nd respondents from granting layout permission to the 4th, 6th and 7th respondents or any other third parties in respect of the private lane admeasuring 30 feet comprised in Survey No.141 part and 142 part situated at Othakalmandabam, Madhukarai Taluk, Kinathukadavu, Coimbatore District by considering petitioner's representation dated 01.12.2020.

For Petitioners: M/s.T.Madhumitha
for Mr.A. Thiyagarajan
For Respondents
For R1 to R3 : Mr.M.Elumalai,
Additional Government Pleader
For R4 : Mr.V.Jayaprakash Narayanan
For R5 : Mr.T.M.Pappiah
Special Government Pleader
For R6 : Mr.Jermiah
for Mr.S.Shankar
For R7 : Mr.A.P.Sathyamoorthy

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

This Writ Petition has been filed by the Petitioners seeking writ of mandamus, forbearing the 1st and 2nd respondents from granting layout permission to the 4th, 6th and 7th respondents or any other third parties in respect of the private lane admeasuring 30 feet comprised in Survey No.141 part and 142 part situated at Othakalmandabam, Madhukarai Taluk, Kinathukadavu, Coimbatore District by considering the petitioner's representation dated 01.12.2020.

2. Heard Ms.T.Madhumitha, learned counsel for Mr.A.Thiyagarajan, learned counsel appearing for the petitioner. Mr.M.Elumalai, learned Additional Government Pleader appearing for Respondents 1 to 3, Mr.V.Jayaprakash Narayanan learned counsel appearing for the 4th respondent, Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the 5th respondent, Mr.Jermiah, learned counsel for Mr.S.Shankar, learned counsel appearing for the 6th respondent and Mr.A.P.Sathyamoorthy, learned counsel appearing for the 7th respondent.

3. The petitioners claim is that they are the owners of the property admeasuring 30 feet comprised in Survey No.141 part and 142 part situated at Othakalmandabam, Madhukarai Taluk, Kinathukadavu, Coimbatore District and seek direction,

forbearing the 1st and 2nd respondents from granting layout permission to the 4th, 6th and 7th respondents or any other third parties in respect of the private lane. The use of 30 feet private lane by other private respondents cannot be a subject matter of the Writ Petition. Article 226 of the Constitution of India cannot be invoked for Civil right or Civil dispute between the petitioners and the private respondents. The petitioners have already filed a suit in O.S.No.726 of 2020 on the file of the learned Subordinate Judge, Coimbatore. If the petitioners intend to get any relief, they can get relief only from the Civil Court.

4. Accordingly, this Writ Petition is dismissed. Consequently connected Miscellaneous Petitions are closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

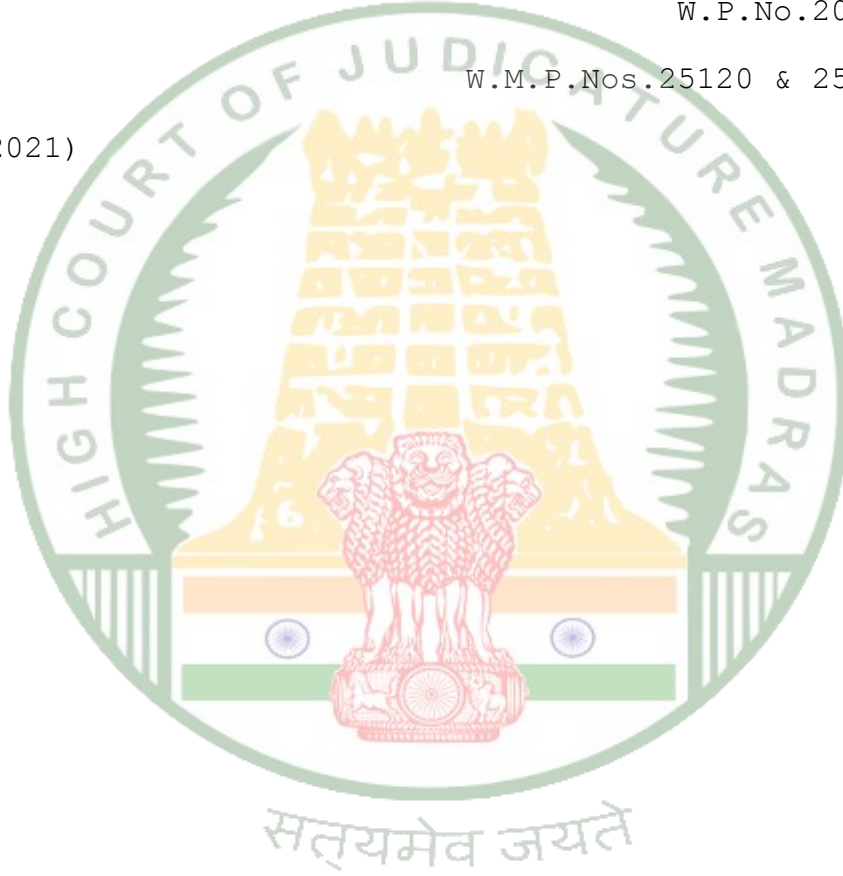
- 1.The Subordinate Judge, Coimbatore
- 2.The Director,
Town and Country Planning Department,
Chengalvarayan Building,
No.807, Anna Salai,
Chennai-600 002.
- 3.The Deputy Director,
Town and Country Planning,
Coimbatore Region,
Dr.Nanjappa Road,
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Coimbatore-641 032.

6.The Sub-Registrar,
Office of the Sub-Registrar,
No.15/117, Coimbatore Pollachi Road,
Kinathukadavu-642 109.

+1 CC to The Government Pleader sr 24684
+1 CC to Mr.S. Shankar, Advocate sr 24181
+1 CC to Mr.A.P. Sathyamurthy, Advocate sr 24183.
+1 CC to Mr.A. Thiyagarajan, Advocate sr 24413.

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SV(CO)
SP(01/07/2021)



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