



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.11088 to 11094 of 2013 (7 cases)
and
M.P.Nos.1 of 2013 (7M.Ps)

& W.M.P.Nos.85, 90, 91,92, 94, 106 and 108 of 2019

P.Saraswathi	... Petitioner in WP No.11088 of 2013
A.Sulochana	... Petitioner in WP No.11089 of 2013
M.Palaniammal	... Petitioner in WP No.11090 of 2013
S.Damodaran	... Petitioner in WP No.11091 of 2013
P.Jadadeesan	... Petitioner in WP No.11092 of 2013
P.Lalitha	... Petitioner in WP No.11093 of 2013
K.Duraisamy	... Petitioner in WP No.11094 of 2013

Vs

The Commissioner,
Coimbatore City Corporation,
Coimbatore.

... Respondent in all WP's

Common Prayer :-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent, its men, servants, agents and nominees from interfering with the petitioner's peaceful possession and enjoyment of the property situate at Site No.136, 138, 137, 143, 135, 142 and 140 Respectively Kalapatti Village, Coimbatore Taluk comprised in S.No.602 part, 605/1, 2 part, 606 part and 607 part, M.G.R.Nagar Layout measuring an extent of 2400 sq.ft.

For Petitioner in all W.Ps. : Mr.Jayesh B.Dolia
For M/s.Aiyar & Dolia

For Respondent in all W.Ps. : Mr.K.Magesh
Standing Counsel



COMMON ORDER

In these Writ Petitions, the petitioners pray for a mandamus, forbearing the respondent from interfering with their peaceful possession and enjoyment of properties of various descriptions and dimensions.

2. Mr.JayeshB.Dolia, learned counsel representing for M/s.Aiyar& Dolia, for the petitioners would submit that the petitioners have approached the Civil Court and obtained permanent injunctions, injuncting the sole respondent, at the time when the suit was filed, the Kalapatti Town Panchayat. The suits came to be decreed on various dates as sought for by the petitioners.

3. Per contra, Mr.K.Magesh, learned Standing counsel for respondent would draw my attention to para No.4 of the counter affidavit filed in connection to W.P.No.11904 of 2013, relating to this very issue, which reads as follows:-

" With regard to the averments made in para 2 of the affidavit is denied as false. The petitioner without ascertaining the classification of the land purchased the property earmarked for community hall from the promoter of M.G.R. Nagar Layout. The promoter has no right to divide the property earmarked for community hall into residential flats and sold one of it to the petitioner herein. The petitioner herein filed suit before the Il Additional District Court, Coimbatore in O.S. No.21 of 2014 seeking for a permanent injunction restraining the Executive Officer, Kalapatti Town Panchayat and 3 others from interfering their possession and enjoyment of the schedule mentioned property. There is no prayer for declaration of decree to establish that the petitioners are the owners of the property.' "

4. In sum and substance, the objections of the respondent appears to be that, there is no merit in placing reliance upon the Civil Court decree. In the year 2010, the respective Town Panchayat merged with Coimbatore City Corporation, which is arrayed as respondent in these Writ Petitions. The decree obtained will, thus, equally bind the Coimbatore City Corporation as well.

5. Be that as it may, this Court is of the opinion that this issue is best left to the respondent to adjudicate at the appropriate juncture. Seeing as there is admittedly no threat to



the peaceful possession and enjoyment of the properties in question, at this juncture, this Court prefers to leave it at that.

6. Needless to state, if at all the respondent initiates action proactively, such action may be taken only by following due process of law. The petitioners are, in such an event, entitled to be heard, prior to any decision being taken in the matter.

7. With this, these Writ Petitions are closed. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jeni/sd

To

The Commissioner,
Coimbatore City Corporation,
Coimbatore.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.23963

+2ccs to Mr.K.Magesh, Advocate, S.R.No.24034, 24035

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(7 cases)

NRJK(CO)
SU(27/04/2022)