



WEB COPY



W.P. No. 9764 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 9764 of 2011

and

M.P. No. 1 of 2011

S.Saraswathi

... Petitioner

-VS-

1. The Secretary
Rural Development and Panchayat Raj
Fort St. George
Chennai – 600 002.
2. The District Collector
Coimbatore.
3. The Special Commissioner
Town and Country Planning
807, Anna Salai, Chennai – 600 002.
4. The Executive Officer
Gudalore Town Panchayat
Naickanpalayam Post
Coimbatore – 641 020.
5. District Planning Officer
Sarva Siksha Abhyan (SSA)
Raja Street, Coimbatore-641 001.
6. Vivekananda Nagar Residents' Welfare Association
Rep. by its Secretary
P.S.Palanisamy
No.70, Vivekananda Nagar
Thekkupalayam Post, No.2
Gudalore Panchayat
Coimbatore – 20
(R6 - Impleaded as per order dated
15.10.2012 in M.P. No. 2 of 2011)

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from proceeding with further construction in Plot No.9, respect of the land S. Nos. 38/1 and 38/2 of an extent of 48 cents in Gudalore Village, Coimbatore District.

For Petitioner : Mr. S.Ramesh

For Respondents : Mr. P.Balathandayutham
Special Government Pleader
(For R1 to R3 and R5)

Mr. G.Prabhakaran
For M/s. M.Sriram (For R4)

Mr. R.Chandrasekar (For R6)

ORDER

Heard Mr. S.Ramesh, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First to Third Respondents and Fifth Respondent, Mr. G.Prabhakaran, Learned Counsel for the Fourth Respondent and Mr. R.Chandrasekar, Learned Counsel for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the owner of plot no. 9 measuring an extent of 1773 sq.ft., which forms part of larger extent of 48 cents in S. Nos. 38/1 and



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38/2 in Vivenkananda Nagar, Gudalore Village, Coimbatore North, which had been ear-marked as site for Nursery School while granting approval for layout in proceedings no. LP/R (CN) S 166/78 dated 16.12.1978 by the Director of Town and Country Planning.

3. The grievance ventilated by the Petitioner is that in the month of November 2010, under the guise of implementation of the Sarva Shiksha Abiyan Scheme, the Fourth and Fifth Respondents had started making constructions in the nearby plot no. 10 measuring an extent of 2072 sq.ft., which also forms part of the said larger extent of 48 cents in S. Nos. 38/1 and 38/2 in Vivenkananda Nagar, Gudalore Village, Coimbatore, without any authority of law, and apprehending that the property of the Petitioner would also be usurped in that manner, the Writ Petition has been filed to forbear the Respondents from proceeding with any construction in the said property of the Petitioner in this case.

4. Learned Counsel for the Fourth Respondent, on instructions, states that it is not intended to make any construction in future in the portion of the said property claimed to be owned by the Petitioner without following due process of law. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the



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Petitioner to work out her remedies to seek modification of approval from school site to residential plot following the prescribed procedure from the concerned authority. Learned Counsel for both sides have made their respective endorsements to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Note: Issue order copy by 02.12.2022.

To

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P.D. AUDIKESAVALU, J.

Maya

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