

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.39478 OF 2015

AND

W.M.P.NO.1 OF 2015

Mr.M.Balakrishnan

... Petitioner

.Vs.

1. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.
2. The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration,
Secretariat,
Chennai - 600 009.
3. The President,
Somaiyapalayam,
Somaiyapalayam Panchayat,
Coimbatore.
4. The Executive Officer,
Somaiyapalayam Panchayat,
Coimbatore.
5. The Assistant Director,
Department of Local Planning Authority,
Tatabad, Coimbatore - 641 012.

... Respondents

[R2 to R5 impleaded vide order dated
07.06.2022 made in W.M.P.No.29097 of 2017
in W.P.No.39478 of 2015]

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent not to prohibit the petitioner from disposing of his

property in Coimbatore Registration District, Vadavalli Sub Registration District, Coimbatore Taluk, Somayambalayam Village with Regn. No.561/1996 dated 19.2.1996 with SRO-II, Coimbatore to an extent of 29 cents the Patta No is 546.

For Petitioner : Mr.P.Narayanamoorthy

For Respondents : Mr.K.Natarajan
Standing Counsel
For R1

Mr.U.Baranidharan
Additional Government Pleader
For R2 & R5

M/s.A.Srijayanthi
For R3 & R4

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents not to prohibit the petitioner from disposing of his property situated at Coimbatore Registration District, Vadavalli Sub Registration District, Coimbatore Taluk, Somayambalayam Village.

2. The case of the petitioner is that he purchased the subject property through a registered Sale Deed dated 19.02.1996 and patta was also granted in his favour. It is further stated that the DTCP approval was obtained in the year 1987 itself.

3. The grievance of the petitioner is that he wanted to put up a construction and promote the property. However, he was prevented from undertaking any work in the property, allegedly by the officials belonging to the respondents. Hence, the present writ petition was filed before this Court.

4. When the matter was taken up for hearing on 07.06.2022, this Court found that the affidavit filed in support of the writ petition lacked proper pleadings and there were absolutely no particulars as to who interfered and when such interference took place. Hence, this Court directed the learned counsel appearing on behalf of the respondents to take instructions and report before this Court.

5. The learned counsel for the 1st respondent submitted that the petitioner was already informed through a communication dated 13.07.2017 that the subject property does not fall within the jurisdiction of the Coimbatore Corporation. The learned

Additional Government Pleader appearing on behalf of the 2nd and 5th respondents, based on the written instructions received from the 5th respondent, submitted that the 5th respondent has not received any letter against the petitioner and they have also not received any letter from the petitioner.

6. In the considered view of this Court, the pleadings lacks clarity and there are absolutely no particulars given by the petitioner. A general allegation has been made without specifically pointing out as to who interfered and when such interference took place.

7. In view of the above, this Court does not find any merits in this writ petition and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.
2. The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration,
Secretariat,
Chennai - 600 009.
3. The President,
Somaiyapalayam,
Somaiyapalayam Panchayat,
Coimbatore.
4. The Executive Officer,
Somaiyapalayam Panchayat,
Coimbatore.

5. The Assistant Director,
Department of Local Planning Authority,
Tatabad, Coimbatore - 641 012.

+1cc to Mr.K.Natarajan, Advocate, S.R.No.41256
+1cc to the Government Pleader, S.R.No.42294

W.P.NO.39478 OF 2015 AND
W.M.P.NO.1 OF 2015

NR(CO)
PBS/25/07/2022