



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.11433 OF 2022

AND

W.M.P.NO.10962 OF 2022

M.Subramaniam

...Petitioner

Vs

- 1.The Member Secretary (In Charge)
KurichiPudhu Nagar Development Authority
Corporation Commercial Complex,
2nd floor, Doctor Nanjappa Road,
Coimbatore 641018
- 2.Tasildhar,
Madukarai Taluk,
Office of the Tasildhar, Madukari Market,
Coimbatore 641105
- 3.Block Development Officer
Office of the Block Development Officer
Palakkad Road, Madukarai
Coimbatore 641105
- 4.The President,
Madukarai Panchayat,
Madukarai Village,
Coimbatore 641105
- 5.P.Sakthivel
- 6.M.Saraswathi
- 7.G.Shoban Girish
- 8.G.Manikandan
- 9.M.Rajkumar
- 10.A.Pattimuthu

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1, 3 and 4 from reclassifying the agricultural land in S.F.No.230/1B2 (Patta No.1178), Seerapalayam Village, Madukarai Taluk, Coimbatore District measuring an extent of 1.85 acres into a commercial land based on the Petitioners representation dated 23.04.2022.

For Petitioner : Mr.S.Karthikei Balan
For R1 & R2 : Mr.C.Jayaprakash
Government Advocate
For R3 & R4 : Mr.T.Arun Kumar
Additional Government Pleader

O R D E R

Mr.C.Jayaprakash, learned Government Advocate accepts notice for R1 and R2 and Mr.T.Arunkumar, learned Additional Government Pleader accepts notice for R3 and R4, and both are armed with instructions to enable disposal of this matter at this stage. Thus, by consent expressed by all learned counsels, this writ petition is disposed finally today.

2.In view of the order that is proposed to be passed now, no notice is thought necessary to private respondents i.e. R5 to R10, as they will be heard prior to a decision to be taken in regard to the prayer of the petitioner.

3.The petitioner states that he has made a representation as early as on 21.12.2021 followed by a reminder by way of a legal notice dated 23.04.2022 aggrieved by the proposal to convert/reclassified agricultural land in S.No.230/1B2, Patta No.1178, Seerapalayam Village, Madukarai Taluk, Coimbatore District, admeasuring 1.85 acres to commercial land.

4.The classification of land as either agricultural/commercial as well as whether there is any such proposal at all in place now, are all question of fact and hence it is appropriate to relegate the petitioner to the authority concerned who would be competent to decide the same.

5.Learned counsel for the petitioner would agree that the aforesaid representation has been filed before the member Secretary (In Charge) of the KurichiPudhu Nagar Development Authority Corporation Commercial Complex, who is not endowed with the requisite authority to decide the question of classification. The representations and legal notice as referred to aforesaid lose relevance in view of the aforesaid admitted position.



6.Hence, and if at all the petitioner seeks a resolution of this question, let him approach the competent authority with a representation and such representation, if filed within a period of two (2) weeks from today shall be disposed by the competent authority having regard to the submissions of the petitioner and after issuing notice and hearing any other party as may be appropriate, in line with all applicable rules and regulations and in accordance with law.

7.With this, this Writ Petition is disposed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

Jeni/vs

To

- 1.The Member Secretary (In Charge)
KurichiPudhu Nagar Development Authority
Corporation Commercial Complex, 2nd floor
Doctor Nanjappa Road, Coimbatore 641018
- 2.The Tasildhar,
Madukarai Taluk,
Office of the Tasildhar, Madukari Market,
Coimbatore 641105
- 3.The Block Development Officer
Office of the Block Development Officer
Palakkad Road, Madukarai
Coimbatore 641105
- 4.The President,
Madukarai Panchayat,
Madukarai Village,
Coimbatore 641105

+1cc to Mr.T.Arun Kumar, Advocate Sr.No.30307
+1cc to Mr.S.Karthikei Balan, Advocate Sr.No.30997
+1cc to the Government Pleader Sr.No.30934

W.P.No.11433 of 2022

NRJK(CO)
RVM(30/05/2022)