



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

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

W.P.NO.12688 OF 2021

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office,
Dr. Balasundaram Road,
Coimbatore - 641 018.

.. Petitioner

vs

1. The Commissioner,
Coimbatore Corporation,
Coimbatore Corporation Building,
Coimbatore - 641 001.
2. The Director,
Town and Country Planning,
Anna Salai,
Chennai - 600 002.
3. The Local Planning Authority,
Corporation Complex,
Sivananda Colony,
Coimbatore - 641 012.
4. Peelamedu Consumer Voice,
Rep. by its President P.V.Gopal,
136, Ellai Thottam Road,
Peelamedu,
Coimbatore - 641 004.



5. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

.. Respondents

(R5 is suo motu impleaded vide this order)

Prayer:

Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the Resolution No. 374 dated 17.02.2014 on the re-alignment of the Scheme Road proposing to take 20ft width from the land of the Petitioner Organization at Vilankurichi Village of Coimbatore North Taluk, which was resolved by the First Respondent without consultation with the Petitioner and the same was approved by the second respondent on 15.02.2021 and quash the same and consequently thereby direct the respondents to re-align the scheme road with consultation of the petitioner in pursuance of the High Court orders dated 21.10.2009 and 17.12.2009 in W.P. No. 21575 of 2007.

For the Petitioner : Ms. R.Meenakshi

For the Respondent 1 : Mr. K.Magesh

For the Respondents : Mr. C.Harsha Raj,
2, 3 and 5 Additional Government Pleadr

For the Respondent 4 : Mr. P.V.Balasubramanian

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed in reference to the resolution dated 17.02.2014 for re-alignment of the scheme road proposing to take 20 feet width from the land of the petitioner/organization in Vilankurichi Village, Coimbatore North Taluk.

2. The facts rendered by the petitioner show that earlier the land was acquired followed by allotment in favour of the petitioner. Now, if the Government intends to construct road in that land, it could not be done without following the due process of law. The land can be acquired only by following the process under the Right to Fair Compensation and Transparency in



Land Acquisition, Rehabilitation and Resettlement Act, 2013, or by mutual settlement followed by sale deed as per the provisions of the Act of 2013 itself.

3. The prayer aforesaid has not been opposed by the learned counsel for the respondents for the reason that the land of private party, if required for construction of road or for any other purpose by the Government, it can be taken after invoking the provisions of the Act of 2013.

4. As it has been represented by the learned Additional Government Pleader that the Revenue Department has to oversee the process of acquisition, the State of Tamil Nadu, rep. by its Secretary to Government, Revenue and Disaster Management Department, Secretariat, Fort St. George, Chennai - 600 009 is suo motu impleaded as the fifth respondent. Mr. C. Harsha Raj, learned Additional Government Pleader accepted notice on behalf of the newly impleaded fifth respondent.

5. In view of the above, we dispose of the writ petition with the clarification that the land belonging to the Petitioner would not be used for widening of the road or other purpose, unless it is acquired by following the due process of law or by settling the issue with the petitioner by entering into sale deed. Consequently, W.M.P.Nos.13480 and 13481 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vjt

To:

1. The Commissioner,
Coimbatore Corporation,
Coimbatore Corporation Building,
Coimbatore - 641 001.
2. The Director,
Town and Country Planning,
Anna Salai,
Chennai - 600 002.



3. The Local Planning Authority,
Corporation Complex,
Sivananda Colony,
Coimbatore - 641 012.

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4. The Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.K.Magesh, Advocate, S.R.No.6908
+1cc to M/S.BFS Legal, Advocate, S.R.No.6695
+1cc to Ms.R.Meenakshi, Advocate, S.R.No.6685

W.P.No.12688 of 2021

MG (CO)
PM/01/03/2022