



W.P.No.33278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.33278 of 2022

G.S.Senthilkumar

.. Petitioner

Vs.

1. The Commissioner
Director of Town and Country Planning
Building Division
No.807, Anna Salai
Chennai 600 002.
2. The Deputy Director
Director of Town and Country Planning
Corporation Shopping Complex
Dr. Nanjappa Road
Coimbatore 641 018.
3. The Member Secretary
Local Planning Authority
Sivananda Colony
Tatabad, Coimbatore.
4. Assistant Executive Officer (Planning)
West Zone
Coimbatore Corporation
Coimbatore.



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5. The Executive Officer
Vadavalli Town Panchayat
Vadavalli
Coimbatore.

6. The Commissioner
Coimbatore Corporation
Coimbatore.

.. Respondents

[R6 impleaded suo motu vide
order dated 12.12.2022]

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records pertaining to notice dated 10.11.2022 issued by the fourth respondent and lock and key notice dated 26.11.2022 issued by the first respondent in respect of Ward No.37, Nalvar Nagar, in Survey No.297/1, an extent of 268 sq.ft. in Vadavalli Village, Coimbatore District and quash the same as illegal.

For the Petitioner : Mr.P.Tamilavel

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, claiming to be a pattadar in respect of the land of an extent of 268 sq.ft in a layout of an extent of 1.074 hectare in



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S.No.297/1, situated at Ward No.37, Nalvar Nagar, Vadavalli Village, Coimbatore District, has filed this writ petition challenging the notice dated 10.11.2022 issued by fourth respondent to remove the encroachment and the lock and seal notice dated 26.11.2022 issued by the first respondent.

2. Learned counsel appearing for the petitioner would submit that the petitioner purchased a plot measuring 268 sq.ft., allotted for public purpose in a layout of an extent of 1.074 hectare in S.No.297/1, Nalvar Nagar, approved by the Local Planning Authority Coimbatore in the year 1982, from one Shanmugam vide registered sale deed dated 09.04.1985 vide document No.1559/1985 and got patta mutated in the revenue records. Thereafter, he is paying property tax for the said land. He has constructed a conference hall, service society and xerox shop measuring 239 sq.m. in ground and first floors.

3. According to learned counsel for the petitioner, since the subject land does not come under open space ratio, the impugned notices for removing the encroachment and for lock and seal are liable



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4. In view of the fact that the petitioner is a bona fide purchaser of the land in question and has constructed two floors and also obtained patta and that he was directed to vacate the premises in question without affording an opportunity of hearing, we direct the petitioner to submit his explanation with supporting documents, to the Commissioner, Coimbatore Corporation, who is hereby impleaded suo motu now, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said explanation, the Commissioner, Coimbatore Corporation, shall consider the same and pass appropriate orders within two weeks thereafter. Till then, both the parties are directed to maintain status quo.

The writ petition is disposed of with the above direction. There will be no order as to costs. WMP No.32715 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
12.12.2022

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To

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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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