



WP No.18606 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Anna Nagar House Owners Association,  
Rep. by its President, S.Duraipandian,  
B-29, Anna Nagar Housing Unit,  
Idayarpalayam, Coimbatore 641 025.

.. Petitioner

-VS-

1. The Principal Secretary to Government,  
Housing and Urban Development Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai 600 009.
2. The Managing Director,  
Tamil Nadu Housing Board,  
Nandanam, Chennai 600 035.
3. The District Collector,  
Office of the District Collector,  
Hosur Road, Coimbatore District 641 018.
4. The Executive Engineer,  
Tamil Nadu Housing Board,  
Tada Bath, Coimbatore 641 012.



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5. The Sub Registrar,  
Vadavalli, Thondamuthur,  
Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take necessary steps as known to law to take repossession of vacant lands measuring to an extent of 50 cents of land comprised in Survey No.296/1 situated in Aringar Anna Nagar Housing Unit, Goundampalayam Village, Coimbatore.

For the Petitioner : Mr.S.Jeyakumar  
For the Respondents : Mr.T.K.Saravanan  
for RR 1, 3, and 5  
: Mr.D.Veerasekaran  
for RR 2 and 4  
\* \* \* \* \*

### ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Jeyakumar, learned counsel for the petitioner, Mr.T.K.Saravanan, learned counsel for respondent Nos.1, 3 and 5 and Mr.D.Veerasekaran, learned counsel for respondent Nos.2 and 4.



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2. The present writ petition is filed seeking directions against respondent Nos.1 to 4 to take steps for re-possession of the vacant land to an extent of 50 cents in S.No.296/1 situated at Arignar Anna Nagar Housing Unit, Goundampalayam Village, Coimbatore. It is submitted by the learned counsel for the petitioner that the said land is meant for school and temple.

3. The learned counsel for respondent No.5 submits that the sale deeds in favour of those persons who were allotted plots on the said 50 cents meant for school and temple are cancelled. However, there is a civil suit filed by the plot owners bearing O.S.Nos.105 to 108 of 2017 pending before the District Munsif Court at Coimbatore for an injunction restraining the TNHB from disturbing peaceful possession of the plots in question. The learned counsel submits that the order of injunction is in force.

4. This Court cannot direct the authorities to take steps in contravention to the order of injunction. The authorities may defend the suit in accordance with law and in case, the order of injunction is vacated, then the authorities should proceed in accordance with law.



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The writ petition is, accordingly, disposed of. There will be no order as to costs.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**15.11.2023**

Index : Yes/No

Neutral Citation : Yes/No

sra

To

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