



W.P.No.13703 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.13703 of 2022

T.K.Rajeswari

... Petitioner

versus

1.The Assistant Director of Town Panchayat
Coimbatore North District
Collector Office Campus, Gopalapuram,
Coimbatore 641018.

2.The Member Secretary,
Coimbatore Local Planning Authority
Sivananda Colony Coimbatore 641012.

3.The Executive Officer
Sarkar Samakulam Panchayat Union
Coimbatore 641107.

4.Shanmugapandian

5.R.Ramathal

6.Vasanthamani

7.Kandasamy

... Respondents



W.P.No.13703 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the respondents 1 to 3 to take action on respondents 4 to 7 for the statutory violations pertaining to development of Kumaran layout situated in SF Nos.586/2A, 2B, 2C, 2D, 588/1, 2, 3, 4, 5 and 6 and 599 in Sarkar Samakulam Village, Coimbatore North Taluk, Coimbatore Western District, Coimbatore, as approval by the 2nd respondent vide his proceedings Ma.Va./(Ko.U.Thi.Ku) and Approval No.32/2017 in light of the petitioner's representation dated 29.05.2020.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader,
for respondents 1 and 2

Mr.T.Chezhiyan,
for the third respondent

Mr.R.Bharath Kumar,
for respondent No.7

Not ready in notice
regarding respondents 4 and 6

Respondent No.5 died

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

By consent of parties, this writ petition is taken up for final disposal at the admission stage itself.



W.P.No.13703 of 2022

WEB COPY

2. The writ petition has been filed for a Mandamus directing the respondents 1 to 3 to take action on respondents 4 to 7 for the statutory violations pertaining to development of Kumaran layout situated in SF Nos.586/2A, 2B, 2C, 2D, 588/1, 2, 3, 4, 5 and 6 and 599 in Sarkar Samakulam Village, Coimbatore North Taluk, Coimbatore Western District, Coimbatore, as approved by the 2nd respondent vide his proceedings Ma.Va./ (Ko.U.Thi.Ku) and Approval No.32/2017 in light of the petitioner's representation dated 29.05.2020.

3.1. The case of the petitioner is that, prior to the filing of the instant writ petition, the petitioner had filed a writ petition in W.P.No.6849 of 2016, seeking a direction to the official respondents therein to consider the petitioner's representation dated 04.01.2016 to prevent the private respondents therein from proceeding with any development work in the property in question. This Court, by order dated 25.02.2016, directed the Deputy Director of Town and Country Planning, Coimbatore Region to consider the petitioner's representation and take action against the private respondents therein (including respondents 4 and 5 herein) for conversion of agricultural land into a housing layout. Pursuant to the said order dated



W.P.No.13703 of 2022

WEB COPY

25.02.2016 of this Court, the second respondent has sent a communication to the petitioner on 13.04.2016 stating that respondents 4 and 6 herein and others have been directed to obtain permission from the Government within 30 days to convert the agricultural land into residential area covering the entire extent of 9.24 acre and after such conversion, they were directed to handover an extent of 77.40 cents for park and also to produce the land conversion permission within 30 days. Subsequent to this, as no progress was shown in the matter, the petitioner made a detailed representation on 21.10.2019, to the official respondents pointing out the various irregularities of the respondents 4 to 7.

3.2. Thereafter, the second-respondent by communication dated 22.11.2019 has directed the third respondent to enquire into the matter and take appropriate action and furnish details of such enquiry to the petitioner as well. Again the petitioner has sent a communication to the official respondents on 06.12.2019, inviting reference to his earlier representation dated 21.10.2019 and reiterating the various violations committed by the respondents 4 to 7 in illegally grabbing and converting agricultural land into residential



W.P.No.13703 of 2022

layout in S.Nos.586/2A,2B,2C,2D,588/1,2,3,4,5,6 and 599 at Sankar Samakkulam, Coimbatore North Taluk, Coimbatore District. Then, the third respondent by communication dated 09.12.2019 informed the petitioner, that no permission was granted to make construction in Plots 49 to 57. Again a communication dated 13.12.2019 was received from the third respondent that in Plot 50, there is violation in the construction of second floor. The petitioner further states that in the Reply dated 16.12.2019 received under RTI, it is clearly mentioned that no permission has been granted to make construction in Plots 49 to 57.

3.3. Subsequent to this, the petitioner sent series of representations to the official respondents on 18.12.2019, 20.12.2019, 23.01.2020 and 19.02.2020. However, on 21.02.2020 the petitioner received a communication from the third respondent stating that construction was made in Plots 49 and 50 in violation of Planning Permission and therefore action is being taken after issuing notice and therefore action is being taken after issuing notice under Section 216(1)(2) of the Tamil Nadu District Municipalities Act, 1920. According to the petitioner, the communications received from the respondents



W.P.No.13703 of 2022

clearly reveal that the respondents 4 to 7 have not obtained any permission for conversion of the agricultural land to residential land and the respondents 4 to 7 have handed over only 32.97 cents of land for the purpose of park. Therefore, the aforesaid construction made by respondents 4 to 7 clearly is in violation of the approved plan. Therefore, the petitioner has presented a detailed representation dated 29.05.2020 to the second respondent highlighting the various violations committed by the respondents 4 to 7 in respect of conversion of agricultural lands as residential layouts allocation of lesser land for park purposes and requesting to take appropriate action in the matter.

3.4. Subsequently, it is found that a communication dated 25.08.2020 was sent to the second respondent by the Directorate of Town Planning. On a perusal of the said communication to the second respondent, it is found that the second respondent was directed to take appropriate action on the representation and submit a report to the Directorate, by marking a copy of the report to the petitioner. Even after this, as no progress is made in the matter, the petitioner is constrained to approach this court with the instant writ petition.



W.P.No.13703 of 2022

WEB COPY

4. In view of the submissions made by the learned counsel for the petitioner and respondents 4 to 7 and the learned Additional Government Pleader for respondents 1 and 2 and the learned counsel for the third respondent, it is seen that apart from the violations committed in construction under question and allotment of lesser land for public purposes, the interest of several persons who have purchased the residential plots in the layout in question also involves and those persons also require an opportunity before taking action.

5. Considering the above aspects, the second and third respondents are directed to consider the representation dated 29.05.2020 of the petitioner, on its own merits and in accordance with law, after providing opportunity to the aggrieved persons if so required, and pass orders, as expeditiously as possible, within a period of four months, from the date of receipt of a copy of this order.



W.P.No.13703 of 2022

6. With the above directions, the writ petition stands disposed of.

There will be no order as to costs. W.M.P.No.12975 of 2022 is closed.

[D.K.K., J.] [P.D.B., J.]
19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



W.P.No.13703 of 2022

To
WEB COPY

- 1.The Assistant Director of Town Panchayat
Coimbatore North District
Collector Office Campus, Gopalapuram,
Coimbatore 641018.
- 2.The Member Secretary,
Coimbatore Local Planning Authority
Sivananda Colony Coimbatore 641012.
- 3.The Executive Officer
Sarkar Samakulam Panchayat Union
Coimbatore 641107.



WEB COPY



W.P.No.13703 of 2022

D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

(mrn)

W.P.No.13703 of 2022

19.06.2023