



WEB COPY



W.P.No.20714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20714 of 2023

S.Farook Moulana

... Petitioner

VS.

1.The Commissioner,
Coimbatore City Municipal Corporation
Big Bazaar, Coimbatore -1.

2.The Standing Committee of Corporation,
Town Planning and Development
Coimbatore City Municipal Corporation
Town Hall, Coimbatore-1.

3.The Town Planning Officer,
Coimbatore City Municipal Corporation
Town Hall, Coimbatore-1.

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to decide the above appeal filed on 02.05.2023 against the rejection of petitioner's planning application No.162/CP/22-23/0156235 dated 02.02.2023 in respect of Plot No.6A, Ashwath Nagar, Ganapathy Village, Coimbatore comprised in S.No.11/1278 part (after sub-division T.S.No.1278/67) on merits by constituting the committee as provided under



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Section 452 of Coimbatore City Municipal Corporation Act.

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For Petitioner : Mr.A.Umasankar

For Respondents : Mr.N.Velmurugan
Standing Counsel
(for Coimbatore Corporation)

ORDER

The petitioner herein seeks a direction to the respondents 2 and 3 to dispose of the appeal filed by him on 02.05.2023 challenging the order passed by the 1st respondent, rejecting the petitioner's planning application No.162/CP/22-23/0156235 dated 02.02.2023.

2. According to the petitioner, he is the absolute owner of the property bearing Door No.56, Ashwath Nagar, Ganapathy Village, Coimbatore and in order to develop his property, he submitted an application for planning permission before the 1st respondent. The 1st respondent rejected his application by online whatsapp message dated 02.02.2023.



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3. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent on 02.05.2023 and the same has not been taken up for consideration.

4. Mr.N.Velmurugan, learned Standing Counsel takes notice for respondents and on instructions, submitted that now by virtue of Tamil Nadu Urban Local Bodies Amendment Act 2002 (TN Act 35 of 2022), the Tamil Nadu Urban Local Bodies Act, 1998 is made applicable to all the Corporations. The Coimbatore City Municipal Corporation Act stands repealed. Therefore, as on today, there is no Standing Committee of the Corporation for Town Planning and Development. Under the new Act namely Tamil Nadu Urban Local Bodies Act, which came into force on 13.04.2023, the Appellate Authority to consider the appeal filed by the petitioner is Director of Municipal Administration.

5. In view of the submissions made by the learned Standing Counsel appearing for the Respondents/Corporation, the 2nd respondent is directed to forward the appeal papers filed by the petitioner to the Director of Municipal Administration within a period of two weeks from the date of



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receipt of copy of this order. On receipt of the appeal papers of the petitioner, the Transferee Authority is expected to dispose of the same on merits and in accordance with law, as expeditiously as possible.

6. With the above direction, the writ petition is disposed of. No costs.

13.07.2023
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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