

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.2895 of 2011
and
CONT.P(MD)No.1487 of 2019
and
Connected Miscellaneous Petitions**

W.P(MD)No.2895 of 2011

M/s.Karur District Vengamedu, Kongu Nadar,
Residents Welfare Association,
Karur (Registration No.55 of 2010),
Represented by its President Mr.P.Thiyagarajan
and its Secretary Mr.M.Thiyagarajan

... Petitioner

vs.

1. Directorate of Town and Country Planing Authority,
Represented by its Director,
807, Anna Salai, Chennai-600 002.

2. The District Collector,
Karur District, Karur.

3. Inam Karur Municipality,
Represented by its Executive Officer,
Inam Karur Municipality,
Inam Karur, Karur District.

4. Dr.P.Cheralathan, M.B.B.S.,

5. R.Navamani
6. G.Kannammal
7. Kalpana
8. K.Ramasamy
9. P.Suresh
10. S.Karunanithi
11. K.Pasupathy
12. Sivasenthil
13. V.Palanisamy
14. K.Ganapathy
15. K.Sakthivel
16. C.Vijayakumar
17. K.Tamilarasan
18. B.Shanmugam
19. K.Ramamurti
20. K.Sundaramoorthy
21. N.Senthikumar
22. V.Kandasamy
23. K.Ramesh
24. K.Sathish
25. Mohanrajan
26. M.Ravi
27. Poongodi
28. K.Subiramani
29. Nallammal
30. Marayee
31. Padmavathi

32. Meenakshi
 33. R.Kannammal
 34. R.Chellappan
 35. R.Karuppanan
 36. K.Chellamuthu
 37. M/s.Karur Talulk, Vengamedu,
Sengundhar Nagar and Nehru Nagar,
Residents Welfare Association,
(Reg.No.15/2018), Rep by its President,
C.Ramalingam
 38. P.Kumar
 39. A.Paulraj
 40. M.Pandian
 41. R.Kaliyappan ... Respondents
- (R38 to R41 are impleaded vide order dated 26.06.2023 in WMP(MD)No.3813 of 2020)

PRAYER : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to remove the unauthorized developments found in the areas reserved for public purpose measuring Ac.12.97 cents comprised in S.F.Nos.135, 136, 137, 138, 140, 141, 146, 151, 152, 153, 154, 155 & 160 in Vengamedu Region, Inam Karur Town, Karur District, being the areas as shown in the sanctioned layout (Sanction No.LP/R (CN) No.9/1983 dated 13-01-1983) of the 1st respondent in accordance with law and take over possession thereof so as to ensure the earmarked usage.

For Petitioner	: Mr.V.Nirmala Ravi
For R1 & R2	: Mr.R.Baskaran
	Additional Advocate General assisted by
	Mr.V.Nirmal Kumar, Government Advocate
For R3	: Mr.R.Baskaran
	Additional Advocate General assisted by
	Mr.K.Balasubramani
	Special Government Pleader
For R11 to R17	: Mr.V.Muthukamatchi
For R18	: Mr.B.Shanmugam
For R35	: Mr.K.Hemakarthikeyan
For R36	: Mr.M.Saravanakumar
For R37	: Mr.V.Meenakshi Sundaram
For R38 to 41	: Mr.P.Prakash

CONT.P(MD)No.1487 of 2019:-

B.Shanmugam

... Petitioner

vs

1. Mrs.Rajeswari,
Previous Sub Registrar,
Mela Karur, Karur District,
Now working as Sub Registrar,
Annur, Having Office at
CSR Nagar, Annur Post,
Coimbatore-641 653.

2. Mr.R.Selva Balamurugan,
Sub Registrar, Mela Karur,
Karur District.

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents for their wilful disobedience of the order passed by this Court in W.P(MD)No.2895 of 2011 dated 04.04.2016.

For Petitioner	: Party in person
For R1	: Mr.M.Suresh

COMMON ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Pursuant to the orders of the Division Bench dated 04.04.2016, the committee has inspected the property in question and has filed a report.

2. It is the claim of the impleaded respondents that there is no final sanctioned plan and the lands that did not belong to either the Society or the original promoter, were made a part of the lay out. If that be so, then the original sanction itself would suffer from irregularity and the title that is now set up by the impleaded parties cannot be gone into by this Court.

3. We, therefore, direct the Director of Town and Country Planning, Chennai, in collaboration with the Commissioner of Karur Municipal Corporation, to initiate appropriate action for restoration of the area that is earmarked for public purposes measuring an extent of 12.97 acres. While doing so, the Director of Town and Country Planning and the Commissioner of Karur Municipal Corporation shall

ensure that the original promoter or the Society which had submitted plans for approval had title to the properties that were included as a part of the entire lay out, particularly, to the land that was shown as reserved for public purposes. If it is found that the promoter or the Society had included lands which did not belong to them in the lay out, such lands will stand excluded and the authorities cannot enforce the lay out conditions on such lands which did not belong to the promoter who had formed the lay out.

4. The writ petition is disposed of with the above observation. In view of the dismissal of the writ petition, the contempt petition is closed. The above exercise shall be carried out within a period of six months from the date of service of the copy of the order on the Director of Town and Country Planning, Chennai. The persons who are claiming rival title shall be heard by the Director before orders are passed. No costs. Connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
26.06.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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W.P(MD)No.2895 of 2011

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.2895 of 2011
DATED : 26.06.2023
(2/2)