



W.P.No.3263 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3263 of 2023

1. R.Sujaramani
2. P.K.Gopalakrishnan
3. K.S.Jeyaraj
4. R.Sasidharan
5. S.Surendran Cherubal

.. Petitioners

Vs.

1. The Director
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor, E & C Market Road
Koyambedu, Chennai 600 107.
2. The District Collector
Coimbatore, Coimbatore District.
3. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore.
4. The Joint Director
Coimbatore District Town and Country Planning Office
Corporation Commercial Complex
Dr.Nanjappa Road, Coimbatore 641 018.



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5. The Executive Engineer/Planning
Coimbatore City Municipal Corporation, Coimbatore.
6. The Zonal Officer
Old Ward No.61, New Ward No.57
Coimbatore East Zone, Ondipudur
Coimbatore City Municipal Corporation.
7. The Springfield Rivera Owners Association
Rep. by its President Ramadurai
Pattanam Itteri Road
Old Ward No.61, New Ward No.57
Ondipudur Taluk, Coimbatore 641 016. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 and 6 to implement the order passed by the 5th respondent in Na.ka.No.9123/2020/H1/E dated 10.06.2022 and thereby remove the large gate unauthorisedly put up by the 7th respondent, on the southern portion of the 30 feet public road belonging to the Coimbatore City Municipal Corporation, situated in Survey No.549, Ondipudur Taluk.

For the Petitioner : Mr.S.Mukund, Senior Counsel
for Mr.R.D.Ashok Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 & 2

Mrs.R.Anitha
For Mr.K.M.D.Muhilan
Standing Counsel for RR 3,5 & 6

Mr.R.Sivakumar for R7

No appearance for R4



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Mukund, learned Senior Counsel for Mr.R.D.Ashok Kumar, learned counsel for the petitioners, Mr.P.Muthukumar, learned State Government Pleader for the respondents 1 and 2, Mrs.R.Anitha, learned counsel for Mr.K.M.D.Muhilan, learned Standing Counsel for the respondents 3, 5 and 6 and Mr.R.Sivakumar, learned counsel for the seventh respondent.

2. Learned Senior Counsel for the petitioners strenuously contends that public road is to be maintained. The access is to be provided to the public road unhindered and without obstruction. Two 30 feet roads are available and the same have been gifted to the Corporation and the Corporation is supposed to maintain the same.

3. Learned Senior Counsel submits that the seventh respondent has put up a gate. No gate can be placed on a public road.



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4. Learned counsel for the seventh respondent Society submits that the public road ends at the Society. Moreover, there is only one 30 feet public road and another is a drive way. The drive way is not gifted to the Corporation.

5. Emergencies may arise at odd times. No doubt, the public road cannot be obstructed and has to be unhindered. Unobstructed access is required to be provided.

6. Learned counsel for the seventh respondent, on instructions, submits that the gate is installed for the security of all the persons. Even the petitioners are the members of the seventh respondent Society and have also agreed for the erection of gate. He further categorically makes a statement that the said gate on the public road would never be closed and it would always be open for free access to all the persons.

7. Learned counsel for the Corporation also submits that the



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drive way was never gifted to the Corporation. The public road alone is gifted to the Corporation.

8. The statement of learned counsel for the seventh respondent is recorded that the gate, which is erected for security, will always be open for access to the members of the Society and for their benefit.

9. With the aforesaid, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.3316 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.01.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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Directorate of Town and Country Planning
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