



W.P.No.10860 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10860 of 2018
W.M.P.No.12812 of 2018

S.Murali

...Petitioner

-Vs-

1. The Director,
Tamil Nadu Town and Country
Planning Department,
No.800, Anna Salai,
Chennai – 600 002.
2. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore – 641 012.
3. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.
4. L.M.L. Colony Residents' Welfare Association,
Rep. by its President,
No.33-34, L.M.L.Colony,
Amman Kulam Road,
Coimbatore – 641 037.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the official respondents to abide by the scheme plan No.DDP/R(CN No.2/94) being the final plan published in accordance with the provisions of the Tamil Nadu Town and Country Planning Act and forthwith desist from interfering with the petitioners' property situate in Town Survey No.1068/1C2 and 1068 of /1C3 of ward No.10 of Coimbatore Municipal Corporation.

For Petitioner : Mr.P.K.Rajagopal

For Respondents

For R1 : Mr.C.Kathiravan
Special Government Pleader

For R3 : Mr.K.Magesh
Standing Counsel

For R4 : Mr.A.R.Karthik Lakshmanan

ORDER

This writ petition has been filed for direction, directing the official respondents to abide by the scheme plan No.DDP/R(CN No.2/94) being the final plan published in accordance with the provisions of the Tamil Nadu Town and Country Planning Act and forthwith desist from interfering with the petitioners' property situate in Town Survey No.1068/1C2 and 1068 of /1C3 of ward No.10 of Coimbatore Municipal Corporation.

2. Heard the learned counsel appearing on either side and



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perused the materials placed before this Court.

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3. It is seen that there is a dispute between the petitioner and the fourth respondent and therefore, the petitioner cannot maintain this writ petition and he has to approach civil Court for appropriate relief. Further on perusal of the counter filed by the second respondent revealed that the subject land has not been acquired for formation of 50 feet road at present. Hence, the writ petition is lack of merits and liable to be dismissed. However, in future, if there any proposal to acquire the land for formation of 50 feet road, the respondents 1 to 3 are directed to follow the procedure prescribed under the Act and Rules.

4. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

19.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts

G.K.ILANTHIRAIYAN. J.



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rts

To
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