



W.P. No. 7190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7190 of 2024

and

W.M.P. No. 8038 and 8043 of 2024

1. A.Kandasamy

2. A.Palanisamy

3. A.Ganesan

... Petitioners

-VS-

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai.

2. The Commissioner/Director,
Directorate of Town and Country Planning Department (DTCP),
807, Anna Salai,
Chennai - 600 002.

3. The District Collector,
Office of the District Collector,
Collectorate,
Hosur Road,
Coimbatore - 641 018.

4. The Member Secretary,
Coimbatore Local Planning Authority,
Raja Naidu Street,
Tatabet,
Coimbatore - 641 012.



W.P. No. 7190 of 2024

5. The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore - 641 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the layout approval plan of "Era Mohan Layout", bearing Reference No. Ma. Va./Ma. Na. Oo. E. No. 88/98 dated 21.04.1998 pertaining to Survey Nos. 181, 182, 183 etc., Kalapatty Village presently Coimbatore North Taluk, Coimbatore District approved by the Second Respondent herein and to quash the same only to the extent that it marks an open space reservation area, shown as park in the North Western side of the said approved lay out plan, running alongside the North South 40 feet lay out road of the said lay out and to consequently restrain the Respondents herein and their men, agents, staff, officers and sub-ordinates and anyone claiming from or through them, from in any manner obstructing the movement of the Petitioners and their men, carts, vehicles and materials through the said open space reservation to an extent of 12 feet width so as to access their lands in Survey No. 179, Kalapatty Village, Coimbatore North Taluk, Coimbatore District, including by removing the fence put up by them around the said open space reservation park.

For Petitioner : Mr. GK.Muthukumar

For Respondents : Mr. P.Ganesan,
Additional Government Pleader
(for R1 to R3)



W.P. No. 7190 of 2024

ORDER

WEB COPY

Heard Mr. GK.Muthukumar, Learned Counsel for the Petitioner, Mr. P.Ganesan, Learned Additional Government Pleader, who takes notice for the First to Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Counsel for the Petitioners submits that though the Writ Petition has been filed challenging the lay-out approval plan in Reference No. Ma. Va./Ma. Na. Oo. E. No. 88/98 dated 21.04.1998 of "Era Mohan Lay-out", pertaining to Survey Nos. 181, 182, 183 etc., Kalapatty Village presently Coimbatore North Taluk, Coimbatore District approved by the Second Respondent only to the extent that it marks an open space reservation area shown as park in the North Western side of the said approved lay-out plan, running alongside the North South 40 feet lay out road of the said lay-out and to consequently restrain the Respondents and their men, agents, staff, officers and sub-ordinates and anyone claiming from or through them from in any manner obstructing the movement of the Petitioners and their men, carts, vehicles and materials through the said open space reservation to an extent of 12 feet width so as to access their lands in Survey No. 179, Kalapatty Village, Coimbatore North Taluk, Coimbatore District, including by removing the fence



W.P. No. 7190 of 2024

put up by them around the said open space reservation park, the Petitioners would be satisfied if the representations dated 06.03.2017 and 08.01.2018 made by him to the Second, Fourth and Fifth Respondents to cancel the same is directed to disposed by the Third Respondent within the time limit that may be fixed by the Court and he has made an endorsement to that effect in the court record.

3. Having regard to the limited extent of relief confined by the Petitioner, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 06.03.2017 and 08.01.2018 made by the Petitioners including ascertaining as to whether the Petitioners would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to all persons concerned including the Petitioners requiring the same to be furnished within a time frame of not less than 10 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal



W.P. No. 7190 of 2024

hearing to the Petitioners and all other persons concerned to explain their

WEB COPY position in that regard;

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 30.06.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.
Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.03.2024
2/2

Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 01.04.2024.

vjt

To

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai.



W.P. No. 7190 of 2024

2. The Commissioner/Director,
Directorate of Town and Country Planning Department (DTCP),
807, Anna Salai,
Chennai - 600 002.
3. The District Collector,
Office of the District Collector,
Collectorate,
Hosur Road,
Coimbatore - 641 018.
4. The Member Secretary,
Coimbatore Local Planning Authority,
Raja Naidu Street,
Tatabet,
Coimbatore - 641 012.
5. The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore - 641 001.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.



WEB COPY



W.P. No. 7190 of 2024

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 7190 of 2024

22.03.2024

2/2