



W.P.No.1375



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.13754 of 2018

Edayarpalayam Kumaran Nagar Residents
Welfare Association, TVS Nagar

... Petitioner

Vs.

1. The District Collector,
Coimbatore.
2. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.
- 3.The Assistant Commissioner, West Zone,
Coimbatore City Municipal Corporation,
Coimbatore – 641 002.
4. The Member Secretary,
Local Planning Authority of Coimbatore,
Sivananda Colony, Tata Bath, Coimbatore.
5. R.Nagaraj
6. M.P.Mani
7. R.Rangasamy

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to remove all the encroachments in the road of an extent of 30 feet width and 538 feet in length approved in Layout 1048/1989 in S.No.338/part in Kavundampalayam now forming part of Kumaran Nagar of TVS Nagar in Ward No.6 of the 2nd respondent within a time frame fixed by this Hon'ble Court.

For Petitioner	: Mr.N.Krishnakumar
For R1 & R4	: Mr.A.Selvendran, Special Government Pleader
For R2 & R3	: Mr.K.Magesh
For R5	: Mr.V.Venkatasamy

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been directing the respondents 2 to 4 to remove all the encroachments in the road of an extent of 30 feet width and 538 feet in length approved in Layout 1048/1989 in S.No.338/part in Kavundampalayam now forming part of Kumaran Nagar of TVS Nagar in Ward No.6 of the 2nd respondent.

2. It is not in dispute between the parties that the layout has been approved by the competent authority in respect of the subject property under the provisions of the Town and Country Planning Act. However, the parties want to submit a revised plan for inviting the portion of the area as street, which was not originally granted in the approved layout. Such conversions or modifications of the layout has to be permitted scrupulously following the provisions of the Town and Country Planning



Act. Such an endeavour cannot be made by this Court by exercising the powers of judicial review under Article 226 of the Constitution of India. If the statutes permits for conversion of layout, the aggrieved person may approach the competent authority for revising the approved plan or otherwise and in the event of submitting any such application, the same is to be considered strictly in accordance with law and without committing any violation of the provisions of the Acts and Rules in force. In respect of the prayer to remove the encroachments, the respondents are directed to conduct inspection and ascertain the encroachments, if any, as alleged by the petitioner and such encroachers, if identified are liable to be evicted by following the procedures, as contemplated under the relevant provisions of the Act and Rules.

3. With this directions, the Writ Petition stand disposed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
13.02.2024

skr
Index : Yes
Speaking order

To

1. The District Collector, Coimbatore.



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2. The Commissioner, Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

3. The Assistant Commissioner, West Zone,
Coimbatore City Municipal Corporation, Coimbatore – 641 002.

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

skr

4. The Member Secretary,
Local Planning Authority of Coimbatore,
Sivananda Colony, Tata Bath, Coimbatore.

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