



W.P.No.12708 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12708 of 2024

M.Arumugam

.. Petitioner

Vs

1.The District Collector,
Tiruppur.

2.The Tahsildar,
Palladam,
Tirupur.

3.The Revenue Divisional Officer,
Palladam,
Tirupur.

4.The Block Development Officer,
Tirupur.

5.The Deputy Director,
Town and Country Planning Office,
Tirupur.

6.The Joint Director,
Town and Country Planning Office,
Peelamedu,
Coimbatore – 641004.

7.Sangeetha Kasthuri Arun

8.Sumathi

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents 1 to 6 to modify the approval conditions for the proposed layout in S.F.Nos.188/1, 188/2, 188/3, 189/1, 189/2 and 189/3 in Paruvai Village, Sulur Taluk, Coimbatore District, pursuant to the representation dated 28.11.2023 without prejudicing the petitioner's easement rights attached to his lands in S.No.190/2 over S.No.190/3, in Pauvai Village, Sulur Taluk, Coimbatore District.

For Petitioner : Ms.J.Prithivi

For R1 to R6 : Mr.V.Manoharan, AGP

For R7 & R8 : Mr.M.R.Thangavel

ORDER

The writ petition has been filed for a direction to the respondents to modify approval conditions for the proposed layout in S.F.Nos.188/1, 188/2, 188/3, 189/1, 189/2 and 189/3 in Paruvai Village, Sulur Taluk, Coimbatore District, without prejudice to the easementary rights of the petitioner to his lands comprised in S.No.190/2 over S.No.190/3 in Paruval Village, Sulur Taluk, Coimbatore District.



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2. The petitioner owns land to an extent of 0.93 acres in S.No.190/2, Palladam Taluk. According to the petitioner, he has an easementary right in S.No.183/1 and Well water passing through underground pipeline for about 100 meters in S.No.190/3 reaches his land comprised in S.No.190/2. He has a right to draw water in the Well and pathway as per partition deed dated 25.12.1962. The said Well and pathway in S.No.183/1 belongs to several persons and the land comprised in S.No.190/3 belongs to the respondents 7 and 8. Without disclosing the said rights, the respondents 7 and 8 applied for layout to develop 1.96 acres of land comprised in S.No.190/3 by dividing into plots for house construction. After the grant of planning approval, now, the respondents 7 and 8 are intending to put up compound wall obstructing pathway to reach the petitioner's land. The petitioner has also filed a suit in O.S.No.55 of 2023 on the file of District Munsif Court, Palladam, to declare his easementary rights as against the respondents 7 and 8 and the said suit is still pending adjudication without any interim order.



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3. Learned counsel for the petitioner would submit that the above said plan approval can be modified by the authorities concerned as provided under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971.

4. Learned counsel for the respondents 7 and 8 by filing a counter affidavit would submit that the petitioner has already filed a suit in O.S.No.55 of 2023 on the file of District Munsif Court, Palladam, seeking easementary rights, and it is pending without any interim order.

5. On a perusal of the available record, it is revealed that the respondents 7 and 8 have already obtained approval of plan on 02.11.2023. However, without challenging the same, the petitioner has now sought for modification of approved plan. That apart, the respondents 7 and 8 own land comprised in S.Nos.190/3 and 183/1 and the said land is completely different from the land comprised in S.No.190/2 owned by the petitioner. With regard to easementary rights, he has already filed a suit in O.S.No.55 of 2023 on the file of District



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Munsif Court, Palladam, and it is pending without any interim order.

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6. Therefore, for the reasons stated above, the relief sought for in this writ petition cannot be granted and accordingly, the writ petition is dismissed as devoid of any merit. No Costs.

29.08.2024

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To

- 1.The District Collector,
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- 2.The Tahsildar,
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- 3.The Revenue Divisional Officer,
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