



WEB COPY



W.P.No.12526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.12526 of 2024 and W.M.P. No.13677 of 2024

Selvanayagi

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Director,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai - 600 002.
- 3.The Chairperson,
State Level Environment Impact
Assessment Authority (SEIAA),
Government of Tamil Nadu,
Panagal Maligai, 3rd Floor,
Saidapet, Chennai - 600 015.
- 4.The Joint Director,
District Town and Country Planning,
Coimbatore District.
- 5.The Member Secretary/
Joint Director (incharge),
Coimbatore Local Planning Authority,



W.P.No.12526 of 2017

Door No.50, FCI Road,
Gandhimaa Nagar,
Ganapathi, Coimbatore - 641 004.

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6.The President,
Vellanaipatti Village,
Annur Taluk,
Coimbatore District.

7.Karthikeyan

8.K.Rajeswari

9.Naveen

10.N.Kiruthika

11.M.Kathiresan

12.G.C.Priyadarshini

13.Chithradevi Ganeshwar

14.M/s.Unnamalai Promoters Private Limited,

15.M/s.New Kovai City Centre Limited Liability Partnership

16.Thiruvarangan

17.Sivakumar

18.N.Subhashri

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to revise approval granted for 14th and 15th respondents in Vellanaipatti



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Village, Annur Taluk, Coimbatore District and further direct the private respondent to oblige to leave the 30 feet's wide road upto the boundary and thereby enable the petitioner to have approach road to his property as mandated in the guidelines laid down in the Rule 7C of the Tamil Nadu Change of Land Use From Agriculture to Non-Agriculture Purposes in Non-planning Areas Rules, 2017.

For Petitioner : Mr.K.Vasanthanayagan

For Respondents : Mr.C.Kathiravan,
Special Government Pleader
for R1, R2 and R3

No appearance for R4, R5 & R6

Mr.C.Kasirajan for R7 to 13 & R17

Mr.M.Santhanaraman for R14 & R15

Mr.M.R.Sivakumar for R16 & R18

ORDER

The petitioner has filed this writ petition seeking a direction to the fourth respondent to revise approval granted for 14th and 15th respondents in Vellanaipatti Village, Annur Taluk, Coimbatore District and further direct the private respondents to oblige to leave the 30 feet's wide road upto the boundary and thereby enable her to have approach road to her property



as mandated in the guidelines laid down in the Rule 7C of the Tamil Nadu

Change of Land Use From Agriculture to Non-Agriculture Purposes in Non-planning Areas Rules, 2017.

2.The petitioner owned a land admeasuring to an extent of 4.04 acres, comprised in S.Nos.420/1B, 420/3 & 424 of Vellanaipatti Village, Coimbatore. There is no direct pathway to reach her land from the panchayat road. The petitioner used to access the road, comprised in S.No.419/4 from the year 1984. While being so, in the year 2021, the 6th respondent owned a property and decided to develop the said land by laying out the said property to an extent of 152.04 acres, comprised in various Survey Numbers situated at Vellanaipatti Village, Coimbatore District. The sixth respondent along with others made an application to the first respondent seeking conversion of above agricultural land into commercial land for the purpose of laying out the same. Accordingly, the sixth respondent made master plan by showing the layout road in the proposed development area which is accessible to all the adjustable lands of the owners including the petitioner.



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3. Since respondent Nos. 6 to 16 had complied all the conditions as contemplated in the Tamil Nadu Change of Land Use (From Agriculture to Non-agriculture Purposes in Non-planning Areas) Rules, 2017 (hereinafter referred to as '2017 Rules'), the first respondent issued order of conversion of land from agricultural land into commercial land. While being so, the sixth respondent had sold out the land comprised in S.F.Nos. 419/4, 419/3, 484/2, 482/2 and 483/1A of the Vellanaipatti Village, Coimbatore in favour of the eighth respondent, who is none other than his own son. The sixth and seventh respondents are the directors of the thirteenth respondent and also the directors of the New Kovai City Centre LLP and the said land situated in S.F. No. 419/4 is the adjacent land of the petitioner's land and through which, the petitioner can approach her land.

4. As per Rule 7 (c) of the '2017 Rules', while granting approval in the non-planning areas, the directors are ensured that the proposed development is not blocking access to the surrounding lands and it is mandatory that the owner of the neighbouring land, who does not have any other means of access, should not be denied right of access in view of the development from agricultural land to non-agricultural purpose.



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5. On a perusal of the counter affidavit filed by the fourth respondent, it is revealed that Rule 1 of '2017 rules' shall apply to the non planning area.

Whereas in the present case, Vellanaipatti Village is a planning area and as such, the said Rule is not applicable. Further, there is access road to reach the petitioner's property, comprised in S.Nos.419/3B, 420/1A, 477/1, admeasuring 18 meters and 12 meters as per the layout and it can be used by the petitioner as a road leading to her property.

6. In view of the above, though Rule 1 of '2017 Rules' is applicable to the non planning area, as per the layout, there is access to S.Nos.419/3B, 420/1A, 477/1, admeasuring 18 meters and 12 meters, which are the access to reach the petitioner's land, comprised in S.Nos.420/1B, 420/3 & 424 of Vellanaipatti Village, Coimbatore. The fourth respondent shall ensure that the above mentioned road shown as per the layout can be utilized for all general public, including the petitioner.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes / No
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W.P.No.12526 of 2018

To

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Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Director,
Directorate of Town and Country Planning,
Chengalvarayan Building,
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Chennai - 600 002.
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