



WP No.15167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.15167 of 2023  
and WMP No.14666 of 2023

M.Bakrudheen

.. Petitioner

-VS-

1. Commissioner,  
Coimbatore Corporation,  
Coimbatore 641 001.
2. Assistant Commissioner,  
East Zone, Coimbatore Corporation,  
Coimbatore 641 001.
3. Director of Town and Country Planning,  
Coimbatore Corporation, Coimbatore  
District, Coimbatore 641 001.
4. Deputy Director of Town and Country  
Planing, Coimbatore Corporation,  
Coimbatore District, Coimbatore 641 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the order passed by the 1<sup>st</sup> respondent in Na.Ka.No.6529/2018/A6 dated 03.05.2023, quash the same.



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For the Petitioner : Mr.R.N.Amarnath

For the Respondents : Mr.N.Velmurugan

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.N.Amarnath, learned counsel for the petitioner and Mr.N.Velmurugan, learned counsel for the respondents

2. The petitioner assails the order dated 03.05.2023. Under the said order, the Commissioner, Coimbatore Corporation, directed the petitioner to remove the encroachment. According to the respondents, the area occupied by the petitioner is reserved for playground and school and no construction activity can be carried out in the said land.

3. The learned counsel for the petitioner submits that the petitioner is the purchaser of Plot No.B. The property gifted to the Corporation was given as T.S.No.72/2 admeasuring 0.1911.5 sq.mtrs. The revised plan issued by respondent No.1 became final. Sub-divisions were made pursuant to the revised plan. The learned counsel



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submits that on the basis of the judgment of this Court in S.A.No.2104 of 1977 dated 15.12.1980, the action is taken however in the said judgment liberty was granted to the defendant therein to apply to the Committee for amendment or revision or alteration of sanctioned layout. The learned counsel submits that pursuant to the approved revised layout, the petitioner has purchased the property. The petitioner is the bonafide purchaser for valuable consideration.

4. The learned counsel for the Corporation submits that the land purchased by the petitioner was a part of the sanctioned layout of the year 1960 reserved for playground and school. In the Second Appeal referred to above, the Court had clamped an injunction from using the said property for any other purpose other than playground and school.

5. We have considered the submissions. It appears to be a case of subsequent revision of the layout. It is not that the original owner was not permitted to amend or revise the layout. The learned Single Judge in S.A.No.2104 of 1977 under order dated 15.12.1980 had granted liberty to the original owner to apply for amendment/revision/alteration of the layout and the plaintiffs therein were also given liberty



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to object. The layout, it appears, has been subsequently revised. It appears that while passing the impugned order, all these aspects were not considered by the authority.

6. In light of the above, we quash the impugned order/notice. The respondents shall reconsider the case put forth by the petitioner. The petitioner is permitted to file additional reply along with relevant documents within a period of 15 days from today and shall appear before the concerned authority on 25.03.2024. The authority shall consider the reply, the sanctioned/revised sanction of the layout and thereafter shall take a decision afresh.

With the above observation and direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**07.03.2024**

Index : Yes/No  
Neutral Citation : Yes/No  
sra



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WEB COPY To

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THE HON'BLE CHIEF JUSTICE  
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(sra)

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