



W.P.No.16766 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Stalin

.. Petitioner

VS

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore-641 006.

3.The Deputy Director of Town and Country Planning,
Coimbatore-Nilgiris Region,
Coimbatore-641 018.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the second respondent to stop construction of Health Care Centre, Block No.I to IV, Ward No.20, situated at Ganapathy Managar, N.H.Scheme, Coimbatore District by considering the representation made by the



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petitioner dated 18.4.2022 by the 1st and 2nd respondents.

For the Petitioner : Mr.R.Chandrasekaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 3

: Mr.K.Magesh
Standing Counsel
for respondent No.2

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.R.Chandrasekaran, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 and 3; and, Mr.K.Magesh, learned Standing Counsel for the second respondent.

2. Learned counsel for the petitioner submits that, in an open space/park, the construction of Health Care Centre is carried out by the Corporation. The same deserves to be stopped. The said open space/park is meant for the plot-holders



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of the layout.
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3. Learned Standing Counsel for the Corporation submits that, it is on the request of the plot-holders of Ganapathy Managar layout, Urban Health and Wellness Centre was constructed. The total area of the reserve site earmarked in the four layouts (Phase I to IV) is 37,298.25 square meter, out of which, 78.50 square meter alone is used for construction of Urban Health and Wellness Centre. The construction area is not more than 3% of the reserve site and the same is permissible, in view of Section 2(34) of the Tamil Nadu Town and Country Planning Act, 1971.

4. The petitioner has only made a prayer for removal of the Urban Health and Wellness Centre, but has not made any prayer with regard to the temple. It is stated that a temple also exists in the small park in the said layout.



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5. Be that as it may, as the construction of Urban Health and Wellness Centre is within the permissible limit and for public purpose, so also for the benefit of the plot-holders, we are not inclined to entertain the present writ petition.

6. The writ petition, as such, is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.16079 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

04.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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