



WEB COPY



W.P.No.19958 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19958 of 2024

and

W.M.P.No.21854 of 2024

Lokesh A

...Petitioner

Vs.

1. The Joint Director/ Member Secretary,
Coimbatore District Town and Country Planning Office
Corporation Commercial Complex,
Dr. Nanjappa Road, Coimbatore – 641 018.

2. The District Officer of Town and Country Planning,
Office of Town and Country Planning,
No.8 Market Road, Irugur,
Coimbatore – 641 103.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records of the second respondent issued in his proceedings in SWP/BPA/171172/2024/TCP dated 23.04.2024 and quash the same and consequently direct the respondents to consider the application of the petitioner dated 20.03.2024 seeking approval for construction of Godown S.No.145/1B4B in Irugur Village, Suler Taluk, Coimbatore District and pass orders.



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For Petitioner : Mr.M. Selvaraju
For Respondents : Mrs.C. Meera Arumugam
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the entire records of the second respondent issued in his proceedings in SWP/BPA/171172/2024/TCP dated 23.04.2024 and quash the same and consequently direct the respondents to consider the application of the petitioner dated 20.03.2024 seeking approval for construction of Godown S.No.145/1B4B in Irugur Village, Sulur Taluk, Coimbatore District

2. The facts of the case is that the petitioner is a owner of the vacant land in Irugur Village, measuring to an extent of 36 cents (1457 Sq. Meters) comprised in S.No.145/1B4B, (Old S.No.145/1B4) Irugur Village, sulur Taluk, Coimbatore District. While so the petitioner with an intention to construct a commercial Godown has submitted an application to the second respondent vide his application dated



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20.03.2024 enclosing the proposed plan together with all the supporting document and the same was rejected by the second respondent in SWP/BPA/171172/2024/TCP dated 23.04.2024 on the ground that there is no access road as per TNCDBR Rules. Challenging the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that there is a exclusive private passage connecting to the Irugur Road to Athappa Goundan Pudur Public road and the same was maintained by the Irugur Town Panchayat which is also a passage for other adjacent owners. Hence, prays to allow this petition.

4. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner shall be directed to make a fresh application in this regard and the same will be considered in accordance with law.

5. In view of the above, the impugned order passed by the second respondent issued in SWP/BPA/171172/2024/TCP dated 23.04.2024 is



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hereby quashed and the petitioner is directed to file a fresh application seeking approval for the petition mentioned premises before the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. On such application being filed the second respondent shall consider the same and pass appropriate orders in accordance with law.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

24.07.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

Copy To:

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V.BHAVANI SUBBAROYAN,J.

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