



W.P.No.302 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.302 of 2021

B.Suresh Kumar

... Petitioner

Vs.

- 1.State of Tamilnadu,
Rep. By its Secretary,
Municipal Administration
and Water Supply Department,
Fort St.George,
Chennai 600 009
- 2.State of Tamilnadu,
Rep. By its Secretary,
Rural Development and Local
Administration Department,
Fort St.George,
Chennai 600 009
- 3.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai 600 002
- 4.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore



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5.The Member Secretary,
Local Planning Authority,
Coimbatore Corporation Commercial Complex,
Sivananda Salai,
Coimbatore

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to pay compensation as per the present market value to the petitioner for making the petitioner to keep his land unutilized from 1975 to 2020, under the guise of acquiring his property for 'Singanallur Development Scheme' namely Singanallur Scheme No.11 AA Road (80 feet scheme road) or in the alternative acquire the lands admeasuring 0.56 cents comprised in S.No.499, 500 & 501 in Uppilipalayam Village, Coimbatore District and grant compensation.

For Petitioner : Mr.N.Alagu Narayanan

For Respondents

For R1 to 3 & 5 : Mr.V.Manoharan,
Additional Government Pleader

For R4 : Mr.N.Velumurugan



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ORDER

This writ petition has been filed for direction to the respondents to pay compensation as per the present market value to the petitioner for making the petitioners to keep his land unutilised from 1975 to 2020 under the guise of acquiring his property for Singanallur Deelopment Scheme i.e. Singanallur Scheme No.11 AA Road (80 feet) or in the alternative acquire the land admeasuring 56 cents comprised in survey Nos.499 500, 501 situated at Uppilipalayam Village, Coimbatore District.

2. Heard, the learned counsel appearing on either side.

3. The property comprised in survey Nos.491, 492, 493, 498 to 501 situated at Uppilipalayam Village, Coimbatore belongs to the petitioner's ancestors. The said land was formed into layout and converted into house plots in he name of Nangappa Nagar. The draft master plan was drawn by the the fifth respondent in the year 1975 in respect of Singanallur Development Scheme i.e. Singanallur Scheme



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No.11 AA Road proposing to lay 80 feet scheme road in SF.Nos.491, 492, 493, 498 to 501 of Singanallur Village, which is running north to south on the eastern side of the layout lands. It was also notified in the Government gazette in the year 1975. However, it was not acquired and the scheme itself lapsed as per the provision under Sections 37 and 38 of Tamilnadu Town and Country Planning Act, 1971. In the layout, third parties had purchased house plots and their sale deeds showed the eastern boundary as 80 feet scheme road. The purchasers filed writ petition for direction to enforce the scheme and to lay 80 feet road. This court by order dated 23.01.2022 dismissed the writ petition by holding that by the operation of Section 38(b) of the Tamilnadu Town and Country Planning Act, 1971, the said land was released from reservation since no land was acquired or purchased by the planning authorities. Even then, the authorities concerned put notice board saying that the said land is meant for scheme road and development of any nature including construction of plots should not be carried out. Therefore, the petitioner's father filed writ petition WP.No.16918 of 2013 for declaration declaring that the said land has been released from reservation. This Court by order



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dated 19.09.2016 directed to remove notice board. It was further observed that the scheme itself already got lapsed and the said land was released from reservation and the owner of the property is at liberty to deal with the property.

4. Now, the petitioner filed this writ petition seeking compensation on the ground that the said land was not used from 1975 to 2016 because the said land was reserved for the said scheme and also authorities concerned put a notice board not to put up any construction. Therefore, the petitioner submitted representation seeking compensation. However, the said representation was not considered and as such, he filed writ petition before this Court in WP.No13427 of 2019 and this Court directed by order dated 30.04.2019 to consider the same on merits and in accordance with law and to pass orders. After filing contempt petition, the representation was disposed of saying that the subject land was already released from master plan. Therefore, the petitioner is not entitled for any compensation for the subject land. As such, this writ petition is devoid of merits and liable to be dismissed.



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5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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