



WP Nos.20258 of 2020 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.20258 of 2020; 23415, 20289 of 2021; 14631 of 2023

WP No.20258 of 2020

Sivaraj

: Petitioner

versus

1.The District Collector
Coimbatore District

2.The Commissioner
Coimbatore Corporation, Coimbatore.

3.The Director
Directorate of Town and Country Planning
Opp.LIC, Chengalvarayan Building, IV Floor,
807, Anna Salai, Chennai 60002

: Respondents

(R3-impleaded as per order dated 27.09.2023)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned publication in Dinamalar Coimbatore Edition dated 20.12.2020 issued by the 2nd Respondent for e-auction for the year 2020-2023 for the Platform shops in Modern Flower Market and consequential impugned publication in Dinathanthi dated 22.12.2020 in NA.KA.NO 5865/2020/A1(ME) dated 21.12.2020 issued by the 2nd Respondent quash the same and further



WP Nos.20258 of 2020 etc. batch

forbearing the Respondents from utilizing the place earmarked as parking space in the new market.

WP No.23415 of 2021

Sivaraj

: Petitioner

Vs

1.The District Collector
Coimbatore District

2.The Commissioner
Coimbatore Corporation Coimbatore.

3.The Director
Directorate of Town and Country Planning
Opp.LIC, Chengalvarayan Building, IV Floor,
807, Anna Salai, Chennai 60002

: Respondents

(R3-impleaded as per order dated 27.09.2023)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned publication dated 19.10.2021 in Thina Thanthi, Coimbatore Edition, issued by the 2nd respondent for e-auction for the year 2021-22, 2023-24 for collection of toll in Panneerselvam Flower Market and quash the same and further direct the respondents from undertaking any activities with respect to the Panneerselvam Flower Market situated at Ward No.7, Block No.20, T.S.No.923, Mettupalayam Road, Coimbatore.

WP No.14631 of 2023

Sivakumar Kittusamy Gounder

: Petitioner

Vs

1.The District Collector
Coimbatore District



WP Nos.20258 of 2020 etc. batch

2.The Commissioner
Coimbatore Corporation, Coimbatore.

3.The Assistant Commissioner
Coimbatore Corporation, Coimbatore.

4.The Director
Directorate of Town and Country Planning
Opp.LIC, Chengalvarayan Building, IV Floor,
807, Anna Salai, Chennai 60002

: Respondents

(R4-impleaded as per order dated 27.09.2023)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents herein their men or sub-ordinates or anybody acting through them from in any manner proceeding with the opening of the New Market Stage shops in Old Pannerselvam Flower Market in Ward No.7, Block No.20, T.S.No.923, Flower Market Complex, Coimbatore nor allotting stage shops in the market to anybody either by way of auction or by any other means without providing for parking spaces for both two-wheelers and four-wheelers based on the representation dated 15.04.2023 sent by the petitioner herein received on 17.04.2023 by the second respondent herein.

WP No.20289 of 2023

T.Abbas : Petitioner

versus

1.The District Collector
Coimbatore District

2.The Commissioner
Coimbatore Corporation Coimbatore.

3.The Superintendent Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Coimbatore region,
RS Puram, Coimbatore 641 001

4.The Director



WP Nos.20258 of 2020 etc. batch

Directorate of Town and Country Planning
Opp.LIC, Chengalvarayan Building, IV Floor,
807, Anna Salai, Chennai 60002

: Respondents

(R4-impleaded as per order dated 27.09.2023)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing respondents 1 and 2 from constructing / utilizing the place earmarked as parking in the layout proposal for any other purpose in Old Panneerselvam Flower Market situated at Ward No.7, Block No.20, T.S.No.923, Mettupalayam Road, Coimbatore.

Appearances:

Mr.I.Abrar Md.Abdullah, for the petitioner in WP Nos., 20258 of 2020, 23415 of 2021 and 20289 of 2023

Mr.V.Raghavachari, Senior Counsel, for Mr.Ma.Pa.Thangavel, petitioner in WP No.14631 of 2023

Mr.C.Kathiravan, Special Government Pleader, for respondents 1 and 4 in WP No.14631 of 2023; for respondents 1 and 3 in WP No.20258 of 2020 and 23415 of 2021; respondents 1 and 4 in WP No.20289 of 2023.

Mr.S.Silambannan, Senior Counsel, for Mr.N.Velmurugan, for respondent No.2 in WP Nos.20258 of 2020 and 20289 of 2023 and respondents 2 and 3 in WP No.14631 of 2023

Mr.L.Jaivenkatesh, for the third respondent in WP No.20289 of 2023

Mr.S.Silambannan, Senior Counsel, for Mr.K.Magesh, for respondent No.2 in WP No.23415 of 2021

COMMON ORDER



WP Nos.20258 of 2020 etc. batch

WEB COPY

(Made by the Hon'ble Chief Justice)

We have heard Mr.I.Abrar Md.Abdullah, learned counsel for the petitioner in WP Nos.20258 of 2020, 23415 of 2021 and 20289 of 2023; Mr.V.Raghavachari, learned Senior Counsel, for the petitioner in WP No.14631 of 2023, Mr.C.Kathiravan, learned Special Government Pleader appearing for the District Collector, Coimbatore and the Director of Town and Country Planning, Mr.S.Silambannan, learned Senior Counsel, appearing for the Coimbatore Corporation, and Mr.L.Jaivenkatesh, learned counsel appearing for the Tamil Nadu Generation & Distribution Corporation Ltd.

2. WP Nos.20258 of 2020 and 23415 of 2021 are filed by the same petitioner.

3. WP No.23415 of 2021 seeks injunction from e-auction for the years 2021-22 and 2023-24 for collection of toll in Panneerselvam Flower Market. WP No.20258 of 2020 also seeks injunction from e-auction for the year 2020-2023 of the platform shops in Modern Flower market.



WP Nos.20258 of 2020 etc. batch

4. WP No.20289 of 2023 is filed seeking injunction from utilizing the place earmarked as parking in the layout proposal for any other purpose in the old Panneerselvam Flower Market.

5. WP No.14631 of 2023 is filed forbearing the respondents from opening of the new market stage shops in Old Panneerselvam Flower Market, without providing for parking space.

6. The anxiety of the petitioners herein is that parking space is not provided for the shops as required under the Tamil Nadu Town and Country Planning Act.

7. The learned counsel for the petitioners also submitted that parking space is sought to be provided by demolishing the existing public health centre. Four ambulances are always stationed there and the same caters to the need of the entire residents in the nearby vicinity and the shops. The respondents cannot create a parking space by demolishing the public health centre. It is further submitted that parking space provided is not sufficient even as per the provisions of



WP Nos.20258 of 2020 etc. batch

the Tamil Nadu Town and Country Planning Rules. The entire area of the flower market site is 7853.40 sq.mt.; whereas the parking space is provided only for 48 numbers of car parking and 146 numbers of two wheeler parking.

8. According to the learned Senior Counsel for the respondent Coimbatore Corporation, the parking is space provided in accordance with the Tamil Nadu Combined Development Building Rules, 2019. The constructed area is 2319.10 sq.m., and car parking for 48 number of cars is required to be provided and the available car parking also is for 48 cars. There is a requirement of 48 numbers of two wheeler parking. However, 146 two wheelers can be parked as per the space allocated. The Director of Town and Country Planning and the Deputy Director of Town and Country Planning have also affirmed the same.

9. We record the statement of the learned Senior Counsel for the respondent Corporation that the new public health centre is not being demolished and that the new public health centre still remains on the site. What is being demolished is only the old public health centre which is not being used.



WP Nos.20258 of 2020 etc. batch

WEB COPY

10. The Director of Town and Country Planning would be the competent authority to consider the space required for parking car and two wheelers. It is for the Director and the Joint Director of Town and Country Planning to consider the said aspect and take care of the availability of car as well as two wheeler parking on the site. The same shall not be less than the required under the rules.

11. In view of the fact that the Director and the Joint Director of Town and Country Planning have affirmed that sufficient car parking is provided as per the plan, we accept the said statement.

12. In view of the above, the writ petitions stand disposed of. In view of the disposal of the writ petitions, impleading petition WMP No.16392 of 2023 is disposed of. WMP Nos.14111, 19635, 19637 of 2023, 24688, 24689 of 2021, 25051 and 25052 of 2020 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.03.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



WP Nos.20258 of 2020 etc. batch

To

WEB COPY

- 1.The District Collector
Coimbatore District
- 2.The Commissioner
Coimbatore Corporation Coimbatore.
- 3.The Superintendent Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Coimbatore region,
RS Puram, Coimbatore 641 001
- 4.The Director
Directorate of Town and Country Planning
Opp.LIC, Chengalvarayan Building, IV Floor,
807, Anna Salai, Chennai 60002



WEB COPY



WP Nos.20258 of 2020 etc. batch

THE HON'BLE CHIEF JUSTICE
AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

WP Nos.20258 of 2020;
23415, 20289 of 2021;
14631 of 2023

11.03.2024