



WEB COPY



W.A.Nos.3437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Writ Appeal No.3437 of 2024
and CMP Nos. 26646 of 2024

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore 641 001.

... Appellant

Vs.

1. G.S.Senthil Kumar

2. G.S.Mallika

3. The Director,
Directorate of Town and Country Planning,
Head Office, No.807 Anna Salai,
Chennai 600 002.

4. The Deputy Director,
Directorate of Town and Country Planning,
Corporation Shopping Complex,
Dr. Nanjappa Road,
Coimbatore 641 018.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to allow the



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Writ Appeal and set aside the order dated 23.07.2024 in WP No.12853 of 2021.

For Appellants : Mr. K.Magesh

Mr.Vadivelu Deenadayalan
Additional Government Pleader,
for RR3, 4, 5

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The attempt of the Municipality to claim title to the land that was shown as reserved for communal purposes particularly Community Hall in the approved Lay Out Plan was rejected by the Writ Court, leading to this Appeal.

2. The Writ Court has, as of fact, found that the land which the Municipal Corporation is claiming title to, was reserved for communal purposes viz. the Community Hall. The first respondent had issued a circular on 24.05.1985 clarifying that only lands which are reserved as open space like parks, play fields, Children play area should be handed over to



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the local Authority and all other reservations like Kalyana Mandapams or Community Halls, belonging to commercial category should be left with the owner for enjoyment as it is. The only condition being that it should not be used for any other purpose. Even if it is used for any other purpose, it is not open to the Municipal Corporation which has no ownership over the said lands to assume ownership and interfere with the possession of the owner. It is for the Authority viz. the third respondent to take action under the Town and Country Planning. The Municipal Corporation which has no right or title to the property cannot interfere with the possession of the owners and get the revenue records changed in its name.

3. Therefore, we see no reason to interfere with the order of the Writ Court, the Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
25.11.2024

jv



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Index: No
Internet: Yes
Speaking order
Neutral Citation: No

To

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