



W.P.No.33901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33901 of 2023

S.THALAPATHI RAMKUMAR

.. Petitioner

Vs

1. THE REGISTRAR GENERAL
HIGH COURT MADRAS,
CHENNAI-600 104.

2. THE DISTRICT COLLECTOR
ERODE DISTRICT, ERODE.

3. THE COMMISSIONER
GOBICHETTIPALALAYM MUNICIPALITY,
ERODE.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the entire records on the file of the 3rd respondent pertaining to the no objection issued by its dated 25.06.2018 in Na.Ka.No.1843/2018/F1 and all other consequential acts pursuant to it and quash the same.



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For the Petitioner : Ms.M.Sneha

For the Respondents : Mr.Vijay Shankar
Standing Counsel
for 1st respondent

: Mr.A.Edwin Prabakar
State Government Pleader
for 2nd respondent

ORDER

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

Heard Ms.M.Sneha, learned counsel for the petitioner; Mr.Vijay Shankar, learned Standing Counsel for the first respondent; and Mr.A.Edwin Prabakar, learned State Government Pleader for the second respondent.

2. Learned counsel for the petitioner submits that, in a sanctioned layout, an area of 14.60 cents is allotted for common use. The property is not handed over to the Municipality. The Municipality has no right to grant permission for construction in the said land meant for common use in the layout.

3. We asked learned counsel for the petitioner as to whether the



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petitioner owns any plot in the said sanctioned layout. Learned counsel for the petitioner fairly concedes that the petitioner does not own any plot in the said layout.

4. The property meant for common use in the layout is for the layout plot holders. The said property is not reserved as a park, playground, or an open space in the development plan. The original owner has not raised any objection, nor the layout plot holders have raised any objection. In case the original owner or the layout plot holders have any objection, then it can be considered on its own merits.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.33765 and 33766 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

28.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To

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

(sasi)

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