



W.P.No.2511 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.02.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2511 of 2022 and
W.M.P.No.2652 of 2022

K.Valluvan

... Petitioner

-VS-

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Deputy Director of Town and Country Planning
Corporation Shopping Complex,
Dr.Nanjappa Road,
Coimbatore-640 018.
3. The Sub Registrar,
Periyanaickenpalayam
Coimbatore District.
4. The Executive Officer,
Periyanaickenpalayam Panchayat Union,
Coimbatore District.
5. The President,
Asokapuram Panchayat,
Asokapuram,
Periyanaickenpalayam Panchayat Union,
Coimbatore-641 022.

6. K.Vidhya Rani

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take action as assured in the communication of the 2nd respondent addressed to the petitioner dated 01.07.2021.

For Petitioner	: Mr.V.Karthikeyan For Mr.J.Pothiraj
For R1 & R2	: Mr.C.Gouthamaraj Govt. Advocate
For R3 to R5	: Mr.P.Harish Govt. Advocate
For R6	: Mr.E.K.Kumaresan

ORDER

The Writ Petition has been filed for a direction to the respondents 1 and 2 to take action as assured in the communication of the 2nd respondent addressed to the petitioner dated 01.07.2021.

2. The case of the Writ Petitioner is that the property was originally owned by one Kaliathal and she formed a layout therein vide Approval No.26 of 1987. Later, she bequeathed site Nos.1 to 90 in the said layout to her daughter-in-law, namely, 6th respondent herein and after the death of the said Kaliathal, the 6th respondent deviated from the originally approved layout by a fabricated layout re-drawing the layout map and



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affixing forged signature and converted the original 40ft. road into 23 ft. road and further altering the 17ft. wide road, which had already been transferred to the Asokapuram Panchayat.

3. It is further case of the Writ Petitioner that a portion of the property, which was earmarked for roads, community hall, etc., has been converted as plots and sold to various parties. In this regard, a criminal complaint has been lodged and the same is pending on the file of the jurisdictional Police Station. According to the petitioner, a representation had been given on 27.07.2020, for which, a reply has been received from the 2nd respondent herein on 01.07.2021, stating that if at all, there is any deviation from the approved plan, action would be taken. Hence, the present writ petition has been filed for a direction to the respondents 1 and 2 to take action as assured in the communication of the 2nd respondent dated 01.07.2021.

4. A counter affidavit has been filed by the 2nd respondent, wherein it has been stated that if the concerned person approaches the 2nd



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respondent for rectification of the planning approval, the same would be considered in accordance with law.

5. In the counter affidavit filed by the 6th respondent, it is averred that the 6th respondent had already applied for rectification in the layout as early as in 2014 itself and the said application has been returned on 31.07.2014 for want of site owners' signatures in the application for the layout rectification. Despite notices sent to all the purchasers, including the petitioner herein, nobody has turned up to sign the application.

6. Heard the learned counsel on either side and perused the material documents on record.

7. The main grievance of the petitioner is that in terms of Section 54(1)(a) of the Tamil Nadu Town and Country Planning Act, when a permission relating to the carrying of building or other operation, has been granted, no modification is permissible. According to him, the layout has already been modified unilaterally and the authorities cannot now modify



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the same. It is his submission that the space earmarked for roads cannot be permitted to be sold.

8. The petitioner is one of the purchasers of the plot and the main grievance of the petitioner appears to be that after approval of the layout, modification of the layout as sought by the 6th respondent is impermissible. Whereas, the 6th respondent had already submitted the application for rectification of the plan in the year 2014, which has been returned for affixing signatures of all the purchasers in the application. According to the 6th respondent, the purchasers do not cooperate with the 6th respondent.

9. Be that as it may, these facts are not germane for consideration of this Writ Petition, as the relief sought for in this petition is to direct the respondents 1 and 2 to take action as per their communications dated 01.07.2021. The communication dated 01.07.2021 indicates that whenever there is an objection raised with regard to the unapproved sale of plots, action will be taken as per law. The 2nd respondent has already taken a



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stand that if proper application is made, the same will be considered in accordance with law.

10. In view of the afore-stated position, the respondents 1 and 2, who are the competent authorities to take a decision in this regard, are directed to act as per law in the matter of modification of unapproved plots, bearing in mind the provisions of Section 54 of the Tamil Nadu Town and Country Planning Act and pass necessary orders strictly as per the Act and the Rules made thereunder.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

25.02.2025

Index: Yes / No
Internet: Yes / No
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N.SATHISH KUMAR,J.,
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