



W.P.No.23763 of 2004

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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Kovai Pudur Residents' Welfare Association,
rep. by its Member, T.Sundaram,
S/o.N.Thambatti Achari,
W-78A, Housing Unit,
Kovai Pudur Post,
Coimbatore - 641 042.

.. Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035.
- 2.The District Collector,
Coimbatore - 641 018.
- 3.The Executive Engineer and
Administrative Officer,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.



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4. The Commissioner,
Kuniyamuthur Municipality,
Kuniyamuthur,
Coimbatore District.

.. Respondents

PRAYER: Petition under Article 226 seeking issuance of a writ of certiorari to call for records relating to the tender notice dated 12.8.2004 issued by the third respondent and quash the same.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.P.S.Raman, Advocate General
for Mr.D.Veerasekaran
Standing Counsel
for respondent Nos.1 and 3

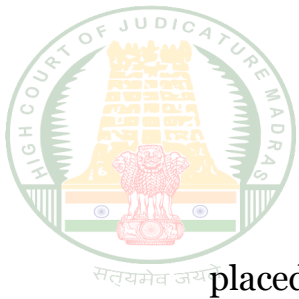
: Mr.A.Edwin Prabakar
State Government Pleader
for respondent No.2

: No appearance
for respondent No.4

ORDER

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

This is a petition in the garb of public interest litigation. Three individuals, who claim to represent Kovai Pudur Residents' Welfare Association, have authorised one Sundaram to file the petition. Reliance is



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placed on a letter dated 16.8.2004, by which these three individuals have authorised the said Sundaram to file this petition. A copy of the letter is annexed to the petition and it is signed by the President, Secretary and Treasurer. It does not even mention that the proposal to file the public interest litigation was placed before the general body, or the general body has authorised filing of the public interest litigation, or the general body has authorised the three office bearers to authorise anybody they feel appropriate to file this public interest litigation.

2. When we mentioned to counsel about these defects, counsel stated that it is all available. Any counsel should have advised the parties to file those documents with the petition or at least make such averments in the petition or at least keep those papers available for inspection when the matter is listed for final hearing and not make oral submissions. Therefore, we are not satisfied that the association had even authorised these three individuals to authorise one Sundaram to file this public interest litigation. In our opinion, this is nothing but an abuse of process.



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3. Even considering the matter on merits, the whole thing appears to be an absolute misadventure. The affidavit in support of the petition is bereft of any details. Petitioner has approached this court impugning a public notice dated 12.8.2004 that was issued by the Tamil Nadu Housing Board (Board) inviting quotations for vacant sites which were put to sale by the Board. Petitioner is concerned only with four of the ten sites. The four sites are CHU035, CHU042, CHU047 and CHU049. The notice described these sites as Public Utility Site 15B, Public Utility Site (Block H-10), Public Utility Site (Reserved for Hospital) and Public Utility Site (A Block 17B), respectively.

4. Before this public notice, the Board had issued an earlier notice, which was withdrawn. In response to the earlier notice, petitioner had made a representation raising objection to the sale of plots reserved for public purpose in the Kovai Pudur Neighbourhood Scheme. Petitioner had also submitted that Plot CHU047, in particular, was earmarked for public purpose and the said plot was being used by residents as playground and should not be put up for sale.

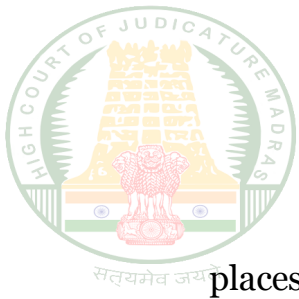


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5. Unhappy with the lack of response and in view of the subsequent notice dated 12.8.2004, this petition came to be filed on 18.8.2004. On 5.11.2004, an interim order was passed by this court directing status-quo to be maintained, which order came to be vacated on 21.4.2005. Thereafter, no stay has been granted and the matter is now listed today for final hearing.

6. According to petitioner, the Tamil Nadu Town and Country Planning Act, 1971 (the Act) provides that once detailed development plan is approved and certain areas are earmarked for specific purposes, the same cannot be altered. Counsel referred to Section 20 of the Act which provides that a detailed development plan may propose or provide for various matters mentioned therein; Section 2(36) of the Act, which defines “*public purpose*” as any purpose which is useful to the public or any class or section of the public; Section 39-B of the Act which empowers the Government to direct any appropriate planning authority to make a scheme for any specific area and submit for their approval; and Section 39-C of the Act which



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places restrictions on land development work, within the area covered under the Scheme, without obtaining permission from the appropriate planning authority, etc. However, no provision was shown to us which respondents have committed a breach, as alleged.

7. Respondents, and when we say respondents herein, the main contesting respondents, namely, respondent Nos.1 and 3, have filed a counter through one C.N.Mahesvaran, affirmed on 11.3.2005. Admittedly, no rejoinder has been filed.

8. In the counter, it is stated that the layout provided for commercial sites, school sites, religious purpose and public purpose sites, which come under saleable category. In the affidavit, it is also stated that press releases were issued through Department of Information and Public Relations for disposal of saleable areas in various schemes of Coimbatore Housing Units. As regards the Kovai Pudur Neighbourhood Scheme, the layout plan provided for roads, parks coming under non-saleable area; and commercial sites, school sites, hospital site, police station, fire station, post office,



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community hall site and public purposes sites, etc. under saleable area. It is also stated that the layout plan was revised during 1975 without any alteration in the reserved sites for public purpose. It is also stated that the sites which are put up for sale continued to be in possession and control of the Board and have not been handed over to Kuniyamuthur Municipality, which is one of the grounds raised in the petition. These averments have not been denied.

9. A serious allegation is also made, which has not been denied, that petitioner has suppressed the fact that sites earmarked for shops, community hall, hospital, police station, fire station, post office and reserved developed plots fall under saleable area of the layout plan.

10. Learned Advocate General placed on record a layout plan of Kovai Pudur Neighbourhood Scheme, Sundakkamuthur Village, Coimbatore, prepared as on 24.2.1979. The layout plan shows Plot CHU047 as reserved site for hospital. It also shows Plots CHU035, CHU042 and CHU049 as reserved for public purpose. The notice issued for sale also invites bids for



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these plots of land describing the same as public utility sites. There is nothing to indicate that the Board has changed the purpose for which these plots were reserved.

11. In these circumstances, the petition, as we noted earlier, is nothing but a misadventure by three individuals, who had no authority to decide, to adopt an inexpensive route of public interest litigation. As the petition was filed almost 21 years ago, we would let off these three individuals with a warning to refrain from such misadventures, though we were initially inclined to impose costs.

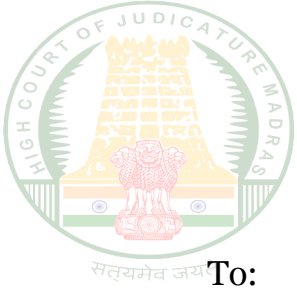
Petition is dismissed. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ,J.)

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Index : Yes/No
NC : Yes/No
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To:

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Chennai-600 035.
- 2.The District Collector,
Coimbatore-641 018.
- 3.The Executive Engineer and
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- 4.The Commissioner,
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Kuniamuthur,
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AND
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