



WEB COPY

WP No. 17804 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 17804 of 2025

Amirtham

Petitioner(s)

Vs

1. The State of Tamilnadu

Rep. by its Secretary,

Municipal Administration and Water Supply Department,

Fort St. George, Chennai-600 009.

2.The Special Commissioner,

Town and Country Planning Department,

No.807, Anna Salai, Chennai-600 002.

3.The Member Secretary,

Coimbatore Local Planning Authority,

Corporation Shopping Complex,

Raju Naidu Street, Tatabad,

Sivananda Colony, Coimbatore- 641 012.

4.The Commissioner,

Coimbatore City Municipal Corporation,

Town Hall, Coimbatore -641 001.

Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the 4th respondent to dispose the petitioner's representation dated 27.07.2018 made in terms of the order dated 18.04.2018 passed by the Hon'ble Division Bench in W.P.No.18139 of 2017 as the petitioner's property, house, ground and premises bearing Plot No.6, Sri



Balaji Nagar, Kalapatti, Coimbatore, forming part of the Approval No.LP/DT and CP No.989/89 in Ref.No.Na.Ka.No.400/89 உதிகு 3 is deemed to be released from any reservation, allotment or designation as park or for any public purposes Under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 in the light of the Judgment passed by the Hon'ble Supreme Court in Civil Appeal No.5875 of 2023 dated 28.08.2024 in the case of Pradhan Babu and Others Vs Nachimuthu Nagar Kudiyiuppor Nala Sangam and reported in 2024 INSC 1047.

For Petitioner(s): Mr.R. Manickavel

For Respondent(s): Dr. T. Seenivasan, SGP for R1
Mrs. P.Vijayadevi, GA
for R2 and R3
Mr. N. Umapathi,
St.C for R4

ORDER

The petitioner states that one Ashok, originally owned large extent of lands, about 15.66 acres, in S.Nos.307, 308, 318, 354(part) and 355(part) of No.12, Kalapatti Village of Kalapatti Town Panchayat, and promoted a layout of house sites by obtaining approval for the layout in the name of Sri Balaji Nagar, vide Approval No.LP/DT&CP No.989/89 in Ref.No.Na.Ka.No.400/89 உகுதி 3. As per the approval layout, an extent of 1.50 acres was reserved for the public purpose of Park. Whiles, the original owner submitted a letter to the Executive Officer, Kalapatti Town Panchayat on 25.11.1990, requesting the Town Panchayat to purchase the reserved land for



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market price. The said request was rejected by the then Executive Officer, stating that the Panchayat did not require the lands. According to the petitioner, the Panchayat thereafter also did not take any steps to acquire the land reserved for park in terms of the development plan and the layout. Under the circumstances, the original owner applied for revision of the layout plan and the Executive Officer also granted approval for the revised plan in Approval No.177/89/A2, dated 03.01.1991. Under the revised layout plan, 10% of the layout area was reserved for public purposes like temple, park etc. and the same had ever since been separately maintained as vacant land. Subsequent to the revised layout, the petitioner purchased the plot measuring 3840 sq.ft. under the sale deed dated 04.07.1991. The petitioner thereafter applied for planning permission to the Executive Officer, Kalapatti Town Panchayat and the same was approved under approval No.611/200809, dated 18.09.2008. The petitioner constructed the residential house and has since been residing with his family. The petitioner was issued patta and was also regularly paying property tax to the Kalapatti Town Panchayat, now the Coimbatore Corporation. The petitioner states that even the Coimbatore Municipal Corporation, after the revised layout



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approval, re-classified the land originally reserved for public purposes as residential area in the regional plan and displayed the same as a residential area in the website maintained by it. Whiles, the 4th respondent on 14.06.2017, issued a notice to the petitioner under sections 258 and 441 of the Coimbatore City Municipal Corporation Act, 1981, calling upon him to vacate and deliver vacant possession of his plot. The petitioner states that his neighbour who was issued with similar notice challenged the same in W.P.No.18139 of 2017, and the Hon'ble Division Bench disposed of the writ petition, by issuing certain directions stated therein. Pursuant to the said order of the Division Bench, the petitioner submitted a representation on 27.07.2018, to the respondents. However, till date no action was taken and therefore aggrieved by the inaction of the respondents, the petitioner filed the above writ petition for the aforesaid relief.

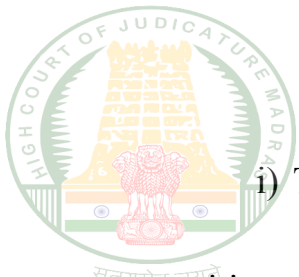
2. I heard both the learned counsels and perused the materials placed on record.



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3. The learned counsel for the petitioner at the time of hearing, submitted that pursuant to the order of the Hon'ble Division Bench dated 19.04.2018, in W.P.No.18139 of 2017, notice of enquiry was issued on 14.10.2024, to all the parties including the petitioner on 15.10.2024. The learned counsel further submitted that the petitioner appeared in the enquiry and thereafter, there was no progress. The learned counsel therefore submitted that directions may be issued to the respondents to conclude the enquiry and pass orders within a reasonable time fixed by this Court.

4. The facts of the case are admitted and therefore they are not traversed to avoid repetition. The respondents pursuant to the order of the Hon'ble Division Bench, dated 19.04.2018, in W.P.No.18139 of 2017, summoned the petitioner for an enquiry on 15.10.2024, vide notice dated 14.10.2024. The petitioner appeared and submitted his documents and thereafter there was no progress. In view of the fact that the enquiry initiated pursuant to the order of the Hon'ble Division Bench, is still pending with the 4th respondent, I am inclined to issue the following directions:



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i) The 4th respondent is directed to issue fresh notice of enquiry to the petitioner by affording reasonable time of Fifteen days, for the petitioner to submit his explanation along with supporting documents.

ii) The 4th respondent is directed to give a personal hearing to the petitioner, on the date of the enquiry.

iii) On receipt of the said notice, the petitioner shall appear on the scheduled date and submit his explanation with supporting documents.

iv) The respondents shall thereafter pass orders on merits and in accordance with law.

v) The entire process shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above observations and directions, this writ petition is disposed of. However, there shall be no order as to costs.

18-07-2025

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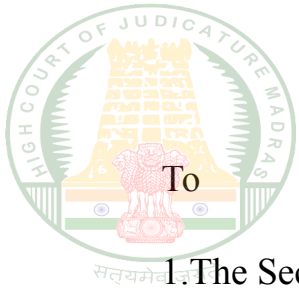
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

dsn



To

1.The Secretary,

WEB The Municipal Administration and Water Supply
Department, Fort St. George, Chennai-600 009.

2.The Special Commissioner,

Town and Country Planning Department, No.807,
Anna Salai, Chennai-600 002.

3.The Member Secretary,

Coimbatore Local Planning Authority,
Corporation Shopping Complex, Raju Naidu Street,
Tatabad, Sivananda Colony, Coimbatore-641012.

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N.MALA J.

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