



W.P.No.16023 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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CORAM :

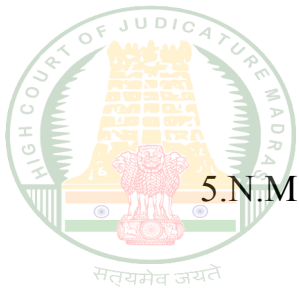
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.16023 of 2021
and W.M.P.No.2982 of 2022

P.Sampath Kumar

... Petitioner
Vs.

- 1.The Office of the Town and Country Planning,
Rep by its Commissioner,
Tadabath, 3rd Street,
Sivanantha Colony,
Tadabadh,
Coimbatore – 641 012.
- 2.The Coimbatore Town and Country Planning,
Rep. by its Member Secretary,
Tadabadh, 3rd Street,
Sivanantha Colony,
Tadabadh,
Coimbatore – 641 012.
- 3.The Assistant Director,
Office of the Assistant Director,
No.807, Anna Salai,
Chennai – 600 002.
- 4.M/s.Coimbatore City Government Official
Co-Operative Housing Society (K-1442),
Having Office at D.No.460,
100 feet Road,
Coimbatore – 641 012.



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5.N.M.Sundareswaran

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 2 and 3 to consider the representation of the petitioner dated 14.02.2018 and dispose off the same.

For Petitioner : Mr.M.Raja Sekhar

For Respondents 1 to 3 : M/s.P.Aishwarya,
Government Advocate

For Respondent 4 : Mr.U.Baranidharan

For Respondent 5 : M/s.Subhang P.Nair

ORDER

The petitioner has filed this petition to direct the the respondents 2 and 3 to consider the representation of the petitioner dated 14.02.2018 and dispose off the same.

2. The case of the petitioner is that the petitioner's father has purchased the property to an extent of 3.68 acres situated at S.No.87 Vilankurichi Village, Coimbatore from one Sivasamy Gounder and his minor sons. Subsequently, the same was sub divided into S.No.87/1, 87/3 and 87/4 and

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then sold the land to an extent of 1 acres 60 cents situated in S.No.87/1, 87/3

and 87/4 to the fourth respondent. Thereafter, the petitioner's father had sold 2 acres and 30 cents out of the total extent of 3 acres and 68 cents. On Krishnaveni, who owned the lands to an extent of 2 acres and 74 and ½ cents in Vilankurichi Village, Coimbatore sold the same by way of two different sale deed to the fourth respondent. In all, the fourth respondent purchased the lands to an extent of 5 acres and 04 and ½ cents situated in S.Nos.87/1, 87/3 and 87/4 in Vilankurichi Village, Coimbatore and applied for approval of layout and the same was accorded in No.Ma.Va.No.U.E.No.1209/1993.

2.1. Out of the 58 plots promoted by the said society, only 55 plots were approved and the total extent has been mentioned as 5 acres and 12 cents. Furthermore, plot No.55 has been referred as “petitioner usage”. The adjacent land belonged to the petitioner as well as Krishnaveni which was also mentioned in the approved plan as “petitioner usage”. But, the plot No.55 has been retained by the fourth respondent society, which is not a part of the sale deed executed by the petitioner's father in favour of the fourth respondent. Hence, the petitioner made a representation dated 14.02.2018 to the respondents 1 to 3 to cancel the layout approval in respect of Plot No.55,



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however, till date no order has been passed. Hence, the petitioner has come forward with the present writ petition.

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3. Learned counsel appearing for the fifth respondent has submitted that the fifth respondent has filed a suit in O.S.No.2210 of 2009 on the file of the I Additional District Munsif, Coimbatore and the same was decreed in favour of the fifth respondent vide decree and judgment dated 28.06.2024 and the said judgment is yet to be ready.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Since, the dispute between the petitioner and the fifth respondent in regard to the alleged encroachment is decreed in favour of the fifth respondent, it is open to the petitioner to workout the remedy in the manner known to law by filing an appeal suit.

6. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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