



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 34869 of 2016
and
W.M.P.Nos.30032 & 30033 of 2016**

The Bettathapuram Engineer,
Subbaiyan Trustworthy Trust, Rep. by
its President, K.Subbaiyan S/o.Karappa
Gowder, No.21, Nehru Nagar,
Mettupalayam, Coimbatore District.

Petitioner(s)

Vs

1. The Deputy Director (Public),
Town and Country Planning,
Coimbatore-Nilgiris Region,
Coimbatore.

2.Karamadai Town Panchayat,
Rep. by its Executive Officer,
Karamadai, Coimbatore District.

Respondent(s)

PRAYER: To issue a writ of certiorarified mandamus, calling for the records relating to the order made in Na.Ka. No.3381/13 Coimb.4 dated 13.09.2013 passed by the 1st respondent and the consequential order made in Na.Ka. No.671/2013/A3 dated 25.09.2013 passed by the 2nd respondent, quash the same and consequently direct the 1st respondent to reconsider the application



dated 22.07.2013 submitted by the petitioner for approval

For Petitioner(s): M/s.G.Ethirajulu

For Respondent(s): Mr.M.Shajahan, SGP for R1
for Ms.Meera Arumugam, AGP
M/s.P.Chinna Durai for R2

ORDER

The petitioner seeks to set aside the order passed by the 1st respondent in ந.க.எண்.3381/13 கோம4, dated 13.09.2013 and by the 2nd respondent in ந.க.எண்.671/2013/அ3, Dated 25.09.2013.

2.I heard Mr.G.Ethirajulu for the petitioner, Mr.M.Shajahan, Special Government Pleader for Ms.Meera Arumugam, Additional Government Pleader for 1st respondent and Mr.P.Chinna Durai for 2nd respondent.

3.The petitioner pleads that the property situated in S.F.No.684, 685A2 and 686 of Karamadai Village, Coimbatore District, was developed as a layout. This development was approved by the Town Planning authorities in their proceedings dated 29.01.1982 and 08.06.1982. In the said layout, an extent of 1557.98 sq.mts had been reserved for community purposes. The area reserved for community purpose was purchased by one, P.Muthuraj, the brother-in-law of the petitioner. The same was by way of a registered sale deed in Document



No.1369 of 1982 dated 30.06.1982. P.Muthuraj subsequently settled the property in favour his sister, S.Umarani. S.Umarani executed a settlement deed in favour of the deponent, K.Subbaiyan, who in turn created a trust under the name and style of “The Bettathapuram Engineer Subbaiyan Trustworthy Trust”. The property, so settled, was sought to be utilized by the trust for putting up a community hall.

4.The petitioner approached the 1st respondent for approval. However, the said application came to be returned by the impugned order. Hence, the writ petition.

5.When I took up the writ petition for hearing, Mr.P.Chinna Durai pleaded that the 2nd respondent had been vested with the property by virtue of a gift deed executed by the developers of the layout and therefore, P.Muthuraj himself could not have purchased the property. Hence, he submitted that the application for development of the property into a community hall was rejected. He relies upon a gift deed dated 16.07.1982.

6.In response, Mr.G.Ethirajulu states that the gift deed relates only to the Open Space Reservation (OSR), the roads and other public utility areas, and not with respect to the area reserved for community purpose.



7.I am afraid, I cannot look into the issue pleaded by Mr.P.Chinna Durai and denied by Mr.G.Ethirajulu for a simple reason that the impugned order does not refer to any of these aspects. The impugned order is without any reasons. It states that an area reserved for community purpose would be developed and used for that community, and its related purposes alone. The plea now raised is that the petitioner does not have title. The impugned order is bereft of reasons. It is oft repeated that an impugned order is not old wine, which tastes better with the passage of time. Furthermore, the impugned order cannot be improved by way of a counter affidavit. It is the duty of the authority, which passes an order affecting the rights of the citizen, to give reasons. Even the reasons stated only declare that an area reserved for community purpose, should be developed as a community hall. It is a settled position of law, that if the area is reserved for public purpose, the title of the land does not get transferred to the 2nd respondent. The limitation being a purchaser has to use it for the purpose for which it is reserved.

8.As the impugned order is unreasoned, this Court is constrained to interfere. The impugned order of the 1st respondent dated 13.09.2013, and that of the 2nd respondent dated 25.09.2013, are quashed. The writ petition stands allowed. The application made by the deponent on 22.07.2013 stands restored to the file of the 2nd respondent. The 2nd respondent shall pass a detailed and



speaking order after hearing the petitioner. The said exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

18-11-2025

krk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Deputy Director (Public),
Town and Country Planning,
Coimbatore-Nilgiris Region,
Coimbatore.

2. Karamadai Town Panchayat,
Rep. by its Executive Officer,
Karamadai, Coimbatore District.



WEB COPY

WP No. 34869 of 2016



V.LAKSHMINARAYANAN J.

krk

**WP No. 34869 of 2016 and
W.M.P.Nos.30032 & 30033 of 2016**

18-11-2025