



WEB COPY

W.P Nos. 21118 of 2023 and 15775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **10-07-2025**

Delivered on : **22-07-2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P Nos. 21118 of 2023 and 15775 of 2023

AND

WMP.Nos. 20510 of 2023 and 15219 of 2023

W.P.No. 21118 of 2023

1.P.R.Sampath Kumar

2. R.S.Raja @ Rajavenkatesah

S/o. Ramasami Gounder,

Rep. By its power agent

J.Rajasekar.

..Petitioner

Vs

1.The District Collector,

Coimbatore District

Coimbatore – 641018.

2.The Commissioner

Pollachi Municipality

Pollachi – 642001.



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3. Joint Director,
Corporation Commercial Complex,
Dr. Nanjappa Road,
Coimbatore-641018.

4. The Sub Registrar
Pollachi Municipality
Pollachi-642001.

5. The Director,
Town and Country Planning, DTCP,
CMDA Office Complex,
E and C Market Road,
Srinivasa Nagar, Virugambakkam,
Koyambedu, Chennai-600107.

(R5 impleaded vide order dated 10.07.2025)

..Respondents

W.P.No.15775 of 2023

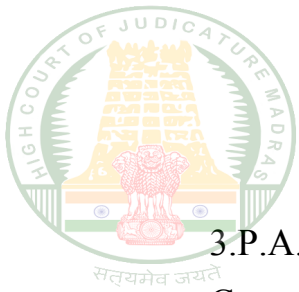
J. Rajasekar

..Petitioner

Vs

1. The District Collector,
Coimbatore District, Coimbatore -641018.

2. The Commissioner,
Pollachi Municipality, Pollachi-642001.



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3.P.A.Senthil Kumar
Councilor – 36 Ward
Saranya Garden,
Jyothi Nagar, Pollachi -642001.

4.K.S.Surendran

..Respondents

Prayer in W.P.No. 21118 of 2023 : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a writ of mandamus directing the respondents 2 & 3 to cancel the layout approval granted DTCP No. 1/2007,dated 24.01.2007 vide representation dated 05.04.2023.

Prayer in W.P.No. 15775 of 2023 : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 & 2 to remove the unauthorized construction in Survey No. 783/1 measuring 20 cents thereabout earmarked as park in Lathaina Avenue Phase II, Pollachi.

For Petitioners : M/s.R.Sripriya
(In both WPs)

For Respondents : Mr.T.K.Saravanan, AGP – For R1 in
W.P.No. 15775 of 2023

And For –R1,R3 to R5 in
W.P.No. 21118 of 2023

Mr. Haja Nazirudeen, AAG – R2 (in both WPs)

Assisted by Mr. B.Anand, Standing Counsel

No Appearance for R3 & R4 in W.P.No. 15775 of 2023



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COMMON ORDER

HEMANT CHANDANGOUDAR, J.

The subject matter of the writ petition in W.P. No. 21118 of 2023 (hereinafter referred to as the “first writ petition”, for the sake of brevity, clarity, and convenience) pertains to land bearing Block No. 15, N.A. No. 783/1 (part), measuring 2 acres, situated within the limits of Pollachi Municipality, Coimbatore Zone, Coimbatore District (hereinafter referred to as “the said land”).

2. The subject matter of W.P. No. 15775 of 2023 (hereinafter referred to as the “second writ petition”) pertains to an extent of 20 cents of land earmarked as “park” within the said land.

3. Since both writ petitions concern the same parcel of land and are interrelated, they are taken up together, heard jointly, and disposed of by this common order.

4. Factual Background:

4.1 The petitioners in the first writ petition state that they purchased the said land in 2006 for the purpose of forming a residential layout. They



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executed a registered General Power of Attorney dated 16.10.2006 in favour of one Mr. J. Rajasekar, authorizing him to develop the layout, obtain necessary approvals from the competent authorities, convey plots to third parties, and execute gift deeds in favour of the concerned municipality for roads, parks, and other public spaces.

4.2 Pursuant to the Power of Attorney, applications dated 04.12.2006 and 12.01.2007 were submitted for layout approval. The Director of Urban Development, Coimbatore, granted layout approval vide communication dated 24.01.2007, subject to certain terms and conditions. Following this approval, the Power of Attorney holder executed a registered gift deed dated 29.08.2007 in favour of Pollachi Municipality, transferring the land earmarked for roads and park, including an extent of 8,874 sq. ft. designated as “park.”

4.3 Subsequently, the petitioners, through their Power of Attorney, submitted representations dated 05.04.2023 and 05.05.2023 to respondents 2 to 4, seeking cancellation of the approved layout, citing non-utilization of



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the land for layout purposes and absence of conveyance to third parties.

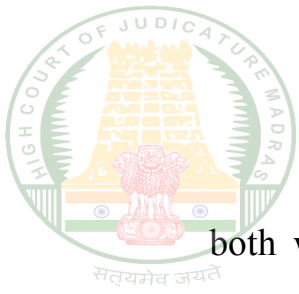
They expressed their intention to use the land for their personal purposes.

4.4 The grievance of the petitioners is that the said representations have not been acted upon by the respondents, thereby necessitating the filing of the present writ petition.

4.5 In the second writ petition, the Power of Attorney holder, Mr. J. Rajasekar, submitted representations alleging that a portion of the park area contains a rare tree locally known as the “Yeti” tree, beneath which a deity has been installed and worshipped by the local community. He contended that respondents 3 and 4, along with local residents, have commenced unauthorized construction of a temple around the said tree and announced the conduct of Kumbabishekam through printed pamphlets. Owing to the inaction of the official respondents in removing such encroachment, the present writ petition has been filed.

Submissions:

5. Learned counsel Ms. R. Sripriya, appearing for the petitioners in



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both writ petitions, submitted that since the residential layout was never implemented, no plots were conveyed to third parties, and no third-party rights were created, the authorities are duty-bound to cancel the approved layout. She relied on the decision of a Division Bench of this Court in W.A. No. 355 of 2015, dated 05.02.2018, in support of her contention. She further submitted that the respondents failed to take action against the unauthorized construction in the area earmarked as park.

6. Per contra, Mr. Haja Nazirudeen, learned Additional Advocate General, appearing for the State, submitted that following approval of the layout, roads were formed and access provided to Phase I of the residential layout. The Power of Attorney holder executed a registered gift deed transferring the roads and park area to the municipality, and as such, the layout was acted upon. He argued that cancellation of the layout approval after 16 years is untenable.

7. The submissions of the learned counsel on both sides and the documents on record have been carefully considered.

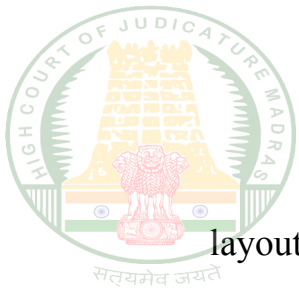


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8. The layout was approved on 24.01.2007, and pursuant thereto, a gift deed was executed on 29.06.2007, transferring the roads and park to the municipality, and the same have vested with the Municipality free from all encumbrances. The second respondent has filed a counter affidavit stating that the petitioners had formed a layout in adjoining lands, sold plots in Phase I, and thereafter sought approval for the instant layout. The second respondent, pursuant to the gift deed, developed the park under the MIYAWAKI Scheme, planted trees, and allowed an NGO to maintain the park for a period of three years, vide proceedings dated 13.08.2019.

9. The second respondent further stated that an underground sewerage system has been laid in the approved layout. While the Power of Attorney holder has not obtained sewerage connections for the superstructure constructed by him and Tmt. Sreelatha, it is evident that constructions have been carried out on Plots 5, 6, 16, and 17, with permissions having been obtained for four plots. These constructions were made as a single unit, thereby affirming that the petitioners and their agent have acted upon the

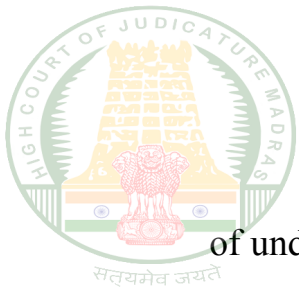


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layout approval and utilized the plots. Therefore, the request for cancellation of layout approval lacks merit.

10. The transfer of roads and park areas to the local authority was effected in accordance with the Tamil Nadu Town and Country Planning Act, 1971, and upon such vesting, the municipality cannot be divested of the said lands, particularly in light of the fact that the petitioners have constructed superstructures on the aforesaid four plots.

11. The petitioners, having allowed a period of over 16 years to lapse after the grant of approval in 2007 and execution of a registered gift deed in favour of the local authority, cannot now be permitted to reopen settled matters and seek cancellation of the approved residential layout plan. The delay is not only inordinate but also unexplained, and the claim is hit by the doctrine of laches, as well as the principles of estoppel and acquiescence. Once the vesting of roads and parks has taken place, and developmental activities have been undertaken by the municipality, the claim for cancellation of the approved layout plan must necessarily fail on the ground



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of undue delay and change in circumstances.

WEB COPY 12. The judgment in W.A. No. 355 of 2015 is distinguishable on facts, as there was no development or conveyance of plots in that case. Moreover, cancellation of the approved layout plan was considered only on the condition that a new road would be formed and handed over to the local body. Additionally, the writ petitioner in that case had approached the authorities at the earliest possible opportunity seeking cancellation of the layout approval.

13. The allegation in the second writ petition that unauthorized construction has been put up in the park area surrounding the “Yeti” tree must be verified through a proper survey. Such a determination can only be made by the second respondent through a joint inspection in the presence of all concerned parties.

14. In light of the above discussion, this Court is of the opinion that the petitioners in W.P. No. 21118 of 2023 are not entitled to seek cancellation of the approved layout plan. Accordingly, W.P. No. 21118 of 2023 is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.



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15. As regards W.P. No. 15775 of 2023, the following directions are

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i. The second respondent is directed to conduct a survey of the land earmarked as park in Layout No. 1/2007, formed in Survey No. 783/1, located at Lathangi Avenue Phase II, within six weeks from the date of this order, in the presence of the petitioners, respondents 3 & 4, and other interested parties.

ii. If, upon such survey, it is found that unauthorized constructions exist within the park area, the second respondent shall initiate appropriate action for removal of such unauthorized construction under Section 128 of the Tamil Nadu Urban Local Bodies Act, within six weeks thereafter.

iii. With the above directions, W.P. No. 15775 of 2023 is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

[M.S.,J.]

[H.C., J]

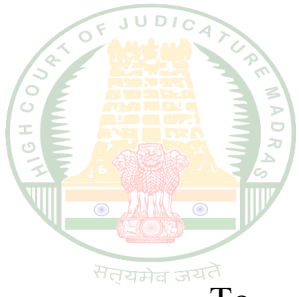
22 .07.2025

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