



WEB COPY

W.P. No.16539 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P. No.16539 of 2021

and

W.M.P. Nos.17506 and 17507 of 2021

S.Aravind
S/o.S.T. Sivagnanam,
No.14/15, Perumal Koil Street,
Saravanampatti, Coimbatore - 641 035.

Petitioner(s)

Vs

1.The Corporation of Coimbatore
Rep by its Commissioner,
Coimbatore.

2.The Executive Engineer (Planning)
Corporation of Coimbatore,
Coimbatore.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to the Impugned Order bearing Na. Ka. No. 10861 / 2016 / MS3 dated 08.12.2020 and calling for the records of the 2nd respondent pertaining to Impugned Notice bearing Na. Ka. NO. 10861 / 2016 / MS3 dated 17.07.2021 and quash the same and consequently direct the Respondents to reconvey the southern portion of the land S. NO. 282 / 1 Saravanampatti Village, Coimbatore admeasuring 545 Sq. meters to the

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W.P. No.16539 of 2021

Petitioners in exchange for the alternative land equal to the extent of 545 Sq. meters in the North Western corner of Survey No.282/2 in Saravanampatti Village, Coimbatore.

For Petitioner(s) : Ms.N.Kalaivani
for M/s.Wilson Associates

For Respondent(s) : Mr.K.Magesh

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ on hand has been instituted to assail the order dated 08.12.2020 passed by the Commissioner, Coimbatore Corporation and the consequential notice dated 17.07.2021.

2. The petitioner has been identified as an encroacher in OSR land earmarked as park for the benefit of the people in that locality. The said portion has been encroached upon and therefore eviction proceedings are initiated. The learned counsel for the petitioner would mainly contend that an application was submitted offering an alternative land in lieu of the OSR land and the said offer made by the petitioner was rejected vide proceedings dated 08.12.2020. No prejudice would be caused in the event of accepting the alternate land and therefore the writ petition is to be considered.



W.P. No.16539 of 2021

3. Learned Standing Counsel for Coimbatore Corporation would oppose by stating that there is no provision to accept the alternate land in lieu of OSR and therefore the Commissioner has considered the issues and rejected the application submitted by the petitioner. Having filed an application offering an alternate land, the petitioner accepted that the land under their illegal operation was earmarked for developing park by the Corporation i.e., OSR land as per the approved layout.

4. This Court is of the considered view that the legal position has been considered by the Hon'ble Supreme Court of India in the case of *Association of Vasanth Apartments' Owners vs. V.Gopinath and others* (2023 SCC Online SC 137), held that the OSR land reserved are to be utilised only for the purpose for which it is reserved and conversion is impermissible. OSR land cannot be converted as house sites nor be utilised for any other purpose other than the purpose for which it is earmarked under the approved layout. In the present case, the OSR land has been earmarked for developing a public park. Coimbatore Corporation has proposed to develop a park in the locality. Therefore, occupation by the petitioner is an encroachment and action taken by Corporation is in consonance with the approved layout and as per law. Since the application submitted by the petitioner offering an alternate land came to be rejected,



W.P. No.16539 of 2021

consequential notice was issued to evict the petitioner. There is no provision to accept the alternate land and in the event of any such acceptance, it would defeat the very purpose and object of earmarking OSR land for developing park. Thus, this Court does not find any infirmity in respect of the reasons stated by the Commissioner, Corporation in the impugned proceedings dated 08.12.2020 in Na. Ka. No. 10861 / 2016 / MS3. Further, enforcement actions in pursuance to the order dated 08.12.2020 is in accordance with law. The Corporation authorities shall proceed with the enforcement actions and use the OSR land by developing park for the benefit of the people residing in that locality. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
19.12.2025

Neutral Citation: Yes/No
Index:Yes/No
Speaking/Non-speaking order
mka



W.P. No.16539 of 2021

To:

- 1.The Commissioner,
Corporation of Coimbatore
Coimbatore.
- 2.The Executive Engineer (Planning)
Corporation of Coimbatore,
Coimbatore.



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W.P. No.16539 of 2021

**S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.**

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W.P. No.16539 of 2021

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