



WEB COPY

WP NO. 14769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22-04-2025**

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP NO. 14769 of 2024 and WMP No.16002 of 2024

K.Balasubramaniam, M/67,
S/o Kandasamy,
No.176, A.C.Nagar,
Covai Road, Kangayam-638 701,
Tiruppur District

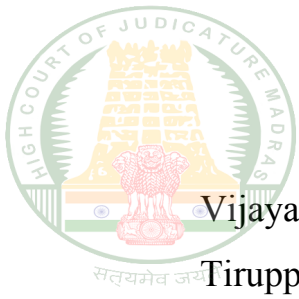
Petitioner

Vs

1. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.
2. The Assistant Commissioner,
Nallur 4th Zone,
Tiruppur Municipal Corporation,
Nallur, Vijayapuram Post, Tiruppur.
3. The Deputy Director,
The Town and Country Planning,
Kumaran Road, Tiruppur District.
(R.3 impleaded as per order dated
07.06.2024 in WP No.14769 of 2024)

Respondents

Writ Pettition filed under Article 226 of Constitution of India
praying this Court to issue a writ of mandamus forbearing the respondents
from laying road on the petitioner's Plot Nos.29 and 6, Subalakshmi Nagar,



Vijayapuram, Tiruppur District situated in S.No.569, Nallur Villagem,
Tiruppur District.

WEB COPY

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Abishek Murthy
For R.1 and R.2
Ms.P.Aishwarya
Govt.Advocate
For R.3

ORDER

The petitioner has filed the writ petition seeking for issuance of a Writ of Mandamus forbearing the respondents from laying road on the petitioner's Plot Nos.29 and 6, Subalakshmi Nagar, Vijayapuram, Tiruppur District situated in S.No.569, Nallur Villagem, Tiruppur District.

2. The case of the petitioner is that he purchased two plots in Plot Nos.29 and 6 at Subalakshmi Nagar, Vijayapuram, Tiruppur. The said Subalakshmi Nagar is situated in S.No.569, Nallur Village, Tiruppur District, which is patta land. The above plots were purchased by the petitioner under registered sale deed in Document No.3982/2016 dated 17.08.2016. It is the further case of the petitioner that near Subalakshmi Nagar, some persons are taking steps to form lay out in the name and style



WEB COPY

of "Mahalakshmi Nagar" and for that lay out, the respondents are insisting them to arrange 24 feet access way to their lay out, since they do not have any land for forming 24 feet breadth road, they approached respondents and made arrangement to lay the road through the petitioner's plot. The officials of the second respondent informed the petitioner that they are going to arrange to pay some amount for giving no objection to lay the road. When the petitioner refused to do so, they made threat that they are going to form road. Since the petitioner is aged 67 years and residing at Kanagayam, by utilising such situation they dumping stones and other materials to lay the road, immediately the petitioner made written statement to the respondents on 22.04.2024 and made request not to lay road on the petitioner's Plot Nos.29 and 6 and requested not to lay road on the petitioner's Plots – 29 and 6, Subalakshmi Nagar, Vijayapuram, Tiruppur situated in S.No.569, Nallur Village, Tiruppur District. Since the representation has not been considered by the respondents, the petitioner has filed the above writ petition.

3. Ms.P.Aiswarya, learned Standing Counsel takes notice for the third respondent.



WEB COPY

4. Counter affidavit is also filed by the first respondent on 04.04.2025.

5. Learned Standing Counsel for the 2nd respondent would submit that the representation of the petitioner dated 22.04.2024 would be considered on merits and in accordance with law within the time frame that may be stipulated by this Court.

6. Heard Both sides and perused the materials available on record.

7. The first respondent is directed to consider the representation of the petitioner dated 22.04.2024, **after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner to take into consideration all the relevant documents submitted by the petitioner and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of eight (8) weeks from the date of receipt of a copy of this order.**



WEB COPY

8. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

22-04-2025

sr

Index:yes/no

website:yes/no

To

1. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.
2. The Assistant Commissioner,
Nallur 4th Zone,
Tiruppur Municipal Corporation,
Nallur, Vijayapuram Post, Tiruppur.
3. The Deputy Director,
The Town and Country Planning,
Kumaran Road, Tiruppur District.



WEB COPY



J.SATHYA NARAYANA PRASAD.J.,

sr

W.P.No.14769 of 2024

22.04.2025