



W.P.Nos.16355 & 16358 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition Nos.16355 & 16358 of 2019
and W.M.P.Nos.16038 & 16041 of 2019

S.Sivakamasundari ... Petitioner in W.P.No.16355 of 2019

T.N.Swaminathan ... Petitioner in W.P.No.16358 of 2019

Vs.

1.The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.The Assistant Commissioner,
East Zone,
Coimbatore Corporation,
Coimbatore.

3.M.Selvan,
The Assistant Commissioner,
East Zone,
Coimbatore Corporation,
Coimbatore.

... Respondents in both W.P's

Prayer in W.P.No.16355 of 2019:Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records comprised int eh enquiry notice made in



W.P.Nos.16355 & 16358 of 2019

Na.Ka.5324/2018/H1(E) 23.05.2019 on the file of the second respondent quash the same and consequently direct the respondents to issue regularization order in respect of the petitioner's unapproved plot in S.No.435/1 measuring an extent of 17 cents and 277 sq.ft., in total as per G.O.Ms.No.78 dated 04.05.2017 Housing and Urban Development [UD4(3)] Department.

Prayer in W.P.No.16358 of 2019: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records comprised int eh enquiry notice made in Na.Ka.5324/2018/H1(E) 23.05.2019 on the file of the second respondent quash the same and consequently direct the respondents to issue regularization order in respect of the petitioner's unapproved plot in S.No.435/1 measuring an extent of 19 cents and 169 sq.ft., in total as per G.O.Ms.No.78 dated 04.05.2017 Housing and Urban Development [UD4(3)] Department.

For Petitioner : Mr.P.K.Harinath Babu
in both W.P's

For Respondents 1 & 2 : Mr.K.Magesh
in both W.P's

For Respondent 3 : No appearance
in both W.P's

COMMON ORDER

The relief sought by the petitioner in this writ petition is to call for the



records comprised in the enquiry notice made in Na.Ka.5324/2018/H1(E)

23.05.2019 on the file of the second respondent quash the same and consequently direct the respondents to issue regularization order in respect of the petitioner's unapproved plot in S.No.435/1 measuring an extent of 17 cents and 277 sq.ft., and 19 cents and 169 sq.ft., respectively in total as per G.O.Ms.No.78 dated 04.05.2017 Housing and Urban Development [UD4(3)] Department.

2. The case of the petitioners is that the petitioners are husband and wife and purchased unapproved plots of lands in S.No.435/1 in the year 2005 by way of two sale deeds. The Government of Tamil Nadu so as to safeguard the interest of persons who had purchased plots in unapproved layouts had passed a G.O.Ms.No.78 dated 04.05.2017, Housing and Urban Development [UD4(3)] Department thereby notifying rules for regularising the unapproved layouts viz., the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017. The petitioners made two applications on 30.03.2018 through on-line for regularisation of their plots to the Competent Authority i.e., the first respondent vide two registration slips bearing Registration Nos. DTCP/P/0069952/2017 and DTCP/P/0069961/2017 and



pursuant to the above, the respondents had also conducted inspection of the petitioners' plots and informed to pay necessary charges, which was also paid as early as on 13.08.2018 for Rs.42,810/-, Rs.89,910/- and Rs.35,674/- into the Treasury together and further another sums of Rs.2,14,045/-, Rs.1,99,550/-, Rs.1,78,370 and Rs.1,78,870/- into the savings bank account of the Coimbatore Corporation as sought for by the respondents so as to regularise the plots for which necessary receipts have also been issued by the concerned authorities. The respondents did not issue regularization order and therefore, the petitioners filed W.P.No.33031 of 2018 and W.P.No.33027 of 2018. By order dated 28.01.2019, this Court allowed the writ petitions by directing the respondents to consider the applications of the petitioners within a period of four weeks. The second respondent by notice dated 15.04.2019 called upon the petitioners for enquiry stating that the plots purchased by them might fall under the reserved park area. Pursuant to the same, the petitioners made a representation on 23.04.2019. The petitioners also made an application under the RTI on 27.04.2019 seeking certain information, which was partly furnished. However, once again the second respondent called the petitioners for enquiry vide Na.Ka.No.5324/2018/H1(E) dated 23.05.2019. Challenging the same, the petitioners have come forward with



the present writ petitions.

WEB COPY

3. Learned counsel for the petitioners submitted that pursuant to the order of this Court dated 28.01.2019, the petitioners have sent a representation dated 23.04.2019 to grant approval for her unapproved plots as per G.O.Ms.No.78, Housing and Urban Development Department dated 04.05.2017. However, without considering the same, the second respondent issued an enquiry notice dated 23.05.2019.

4. Learned standing counsel appearing for the respondents submitted that the orders will be passed based on the detailed representation of the petitioners dated 23.04.2019.

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

6. In view of the above facts and circumstances of this Court, this Court



W.P.Nos.16355 & 16358 of 2019

without going into the merits of the case, directs the second respondent to consider the petitioners' detailed representation dated 23.04.2018 in the light of G.O.Ms.No.78, Housing and Urban Development [UD4(3)] Department dated 04.05.2017 and the order of this Court in W.P.Nos.33027 & 33031 of 2018 dated 28.01.2019 on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petitions are disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

18.02.2025

vm

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



WEB COPY



W.P.Nos.16355 & 16358 of 2019

To:

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore.
- 2.The Assistant Commissioner,
East Zone,
Coimbatore Corporation,
Coimbatore.
- 3.M.Selvan,
The Assistant Commissioner,
East Zone,
Coimbatore Corporation,
Coimbatore.



WEB COPY



W.P.Nos.16355 & 16358 of 2019

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.Nos.16355 & 16358 of 2019



WEB COPY



W.P.Nos.16355 & 16358 of 2019

18.02.2025