



W.P.Nos.18157, 18158 and 18161 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.18157, 18158 and 18161 of 2021

and

W.M.P.Nos.19377, 19380 and 19382 of 2021

- | | |
|------------------|-------------------------------------|
| 1. M.Jayalakshmi | ... Petitioner in W.P.No.18157/2021 |
| 2. Devaraj | ... Petitioner in W.P.No.18158/2021 |
| 3. Kulandaiammal | ... Petitioner in W.P.No.18161/2021 |

-VS-

The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District

... Common Respondent

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records in Na.Ka.No.298/2019/F1 dated 14.08.2021 on the file of the respondent and quash the same.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.Haja Nazirudeen
Addl. Advocate General
Assisted by Mr.B.Anand
Standing Counsel



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COMMON ORDER

(By.S.M.SUBRAMANIAM,J.,)

Writ Petitions on hand have been instituted, challenging the notices issued by the Commissioner, Sathyamangalam Municipality under the provisions of the District Municipalities Act, 1920 for removal of encroachments. The layout was approved and roads, common purpose area and parks are earmarked.

2. Learned Additional Advocate General appearing on behalf of the respondent would contend that the common purpose area has been sold in favour of individuals by promoters in violation of the layout approval.

3. The Town and Country Planning Act as well as Rules framed thereunder would indicate that roads and common purpose areas are to be gifted in favour of the Local Authority, who, in turn is to provide infrastructure facilities and maintain the common purpose area for the benefit of the general public. Therefore, conversion of common purpose area as plots by the developers is illegal and is in violation of conditions stipulated in the layout. The legal principle in this regard has been settled by the Hon'ble Supreme Court of India in the case of **Association of**



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Vasanth Apartments' Owners vs. V.Gopinath and others, reported in

2023 INSC 123. If at all the petitioners have any other ground relating to their defence, they are at liberty to submit the same before the respondent herein for consideration. In the event of any such representation along with documents filed by the petitioners within a period of 10 days from today, the same shall be considered by the respondent and thereafter, final decision has to be taken and all necessary enforcement actions are to be initiated by following the procedures to resume the common purpose area and utilize the same for the purpose for which it was allotted in the approved layout. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this common order.

With the above direction, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S,J.) (C.K,J.)
04.12.2025

Index: Yes
Internet: Yes / No
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S.M.SUBRAMANIAM,J.
AND
C.KUMARAPPAN, J.
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To:

The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.

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