



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 21598 of 2024

M.R.Ramakrishnan
S/o T.N. Ramasamy,
D. No 28, Sri Sai Street,
Palaniyappan Nagar,
Ramanathapuram, Coimbatore 641 045.

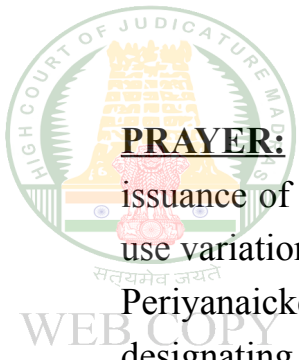
Petitioner(s)

Vs

1. The Director
Town and Country Planning
CMDA Office Complex,
E & C, Market Road, Srinivasa Nagar,
Virugambakkam, Koyambedu,
Chennai 600 107.

2.The Deputy Director,
Town and Country Planning, Coimbatore
Region,
Dr. Nanjappa Road,
Corporation Shopping Complex,
Coimbatore 641 018.

Respondent(s)



PRAYER: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to reevaluate the land use variation of Site No.1 in SF No.75/2, Thudiyalur Village, Coimbatore West Taluk, Periyanaickenpalayam, Coimbatore, consequently remove the observation designating the property for a well and overhead water tank, and instead, align the approved plan according to the provision of the Town and Country Planning Act, 1971 by considering the representation dated 04.04.2024 given by petitioner and pass.

For Petitioner(s): Mr.V.Anandhamoorthy

For Respondents: Mr.M.Rajendiran
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the 2nd respondent to re-evaluate the land use variation of Site No. 1 in SF No.75/2, Thudiyalur Village, Coimbatore West Taluk, Periyanaickenpalayam, Coimbatore, consequently remove the observation designating the property for a well and overhead water tank, and instead, align the approved plan according to the provision of the Town and Country Planning Act, 1971 by considering the representation dated 04.04.2024 given by petitioner.

2. The case of the petitioner is that he is the absolute owner of the aforesaid



house site property, which was duly registered before the Periyanaickenpalayam Sub-

Registrar Office, vide Doc.No.4078/1993, dated 20.12.1993. Subsequent to the

purchase of the aforesaid property, the petitioner has not fenced the house site and left

to his native village in Kerala. However, during the second week of July 2023, an

attempt was made to fence the property, which was met with resistance from local

residents. Upon inquiry with the Layout Association's President and Secretary, it was

alleged that the property is designated as a reserved site for the construction of an

overhead tank, which contradicts the actual situation as the overhead tank was

constructed elsewhere in a designated common area of the layout. The petitioner also

made an application for Patta transfer on 27.04.2022, which is pending before the 3rd

respondent. Hence, considering the aforesaid facts and the documentation available,

including the approval plan under No.425/1990 dated 29.06.1990, the Sale Deed in

his favour, and other relevant documents, the petitioner gave a representation on

04.04.2024 to the 2nd respondent, seeking to re-evaluate the land use variation of Site

No.1 in SF.No.75/2, Thudiyalur Village, Coimbatore West Taluk,

Periyanaickenpalayam, Coimbatore and also to re-classify the approved plan

according to the provisions of the Town and Country Planning Act, 1971. Since the

said representation was not considered by the 2nd respondent, the petitioner had filed

WEB COPY



the present Writ Petition.

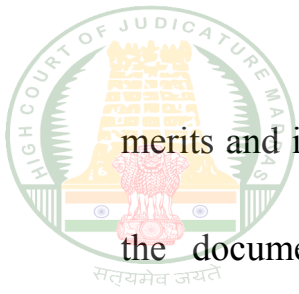
WEB COPY

3. The learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the 2nd respondent to consider the petitioner's representation dated 04.04.2024, within a time frame that maybe stipulated by this Court.

4. Mr.M.Rajendiran, learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 04.04.2024 will be considered by the respondents and order passed within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side and taking into consideration the facts and circumstances and also the relief sought for in this writ petition, this Court directs the second respondent to consider the petitioner's representation dated 04.04.2024, on its own merits and pass appropriate orders on



merits and in accordance with law, after giving due notice to the petitioner, consider the documents submitted by the petitioner, and after affording a reasonable opportunity of personal hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

WEB COPY

7. With the above observations and directions, this writ petition is disposed of.

No costs.

25-03-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

jd

To

1. The Director

Town and Country Planning

CMDA Office Complex,

E & C, Market Road, Srinivasa Nagar,

Virugambakkam, Koyambedu,

Chennai 600 107.

2.The Deputy Director,

Town and Country Planning, Coimbatore

Region,

Dr. Nanjappa Road,

Corporation Shopping Complex,

Coimbatore 641 018.



WEB COPY



J.SATHYA NARAYANA PRASAD J.

jd

WP No. 21598 of 2024

25-03-2025