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W.A.Nos.2525 of 2022 etc., batch

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No. 2525, 2521, 2523, 2526, 2528, 2532 and 2542 of 2022

and

C.M.P.Nos.19852, 19808, 19839, 19860, 19884, 19877 and 19993 of 2022

The Commissioner,
Corporation of Coimbatore,
Big Bazaar Street,
Coimbatore – 641 001.

...Appellant in all the W.As

Vs.

1.G.Ramkumar	... 1 st Respondent in W.A.2525/22
1.R.Narasimhan	... 1 st Respondent in W.A.2521/22
1.K.A.Ramanathan	... 1 st Respondent in W.A.2523/22
1.Pallavi @ Pallavi M.Majithia	... 1 st Respondent in W.A.2526/22
1.D.S.Ravikumar	... 1 st Respondent in W.A.2528/22
1.P.Selvabalaji	... 1 st Respondent in W.A.2542/22

2.The Deputy Director,

1/9



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Directorate of Town and Country Planning,
Office of the Regional Director,
Coimbatore Region,
Corporation Shopping Complex,
Dr. Nanjappa Road, ATT Colony,
Gopalapuram, Coimbatore – 641 018.

...2nd Respondent in all the W.As

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to allow the Writ Appeals and set aside the common order dated 09.12.2020 made in W.P.Nos.10607, 10621, 10738, 10725, 10617, 10736 and 11436 of 2020.

For Appellant : Mr.K.Magesh

For Respondents : Mr.C.Gauthama Raj,
Govt. Advocate for R2
Mr.R.N.Amarnath for R1

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The batch of present intra-Court Appeals have been instituted against the common order of the writ Court dated 09.12.2020.

2. The Commissioner, Corporation of Coimbatore / 1st respondent in the



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Writ Petitions have instituted the present appeals. The facts in brief have not

been controverted between the parties. The layout has been approved in the year 1987 in the subject property at Coimbatore. Presently the subject property is falling under the territorial jurisdiction of Coimbatore Corporation. The layout has been named as “Maharani Avenue – IV” and the residential plots were sold. The roads, children parks and certain common areas are not been gifted by the promoter. Even it is not gifted, those roads, parks etc., vest with the local Authorities under the provisions of the Act and as per the judgment of the Hon'ble Supreme Court of India in case of *Association of Vasanth Apartents' Owners Vs. V.Gopinath* reported in *2023 SCC Online SC 137*.

3. The issue cropped up on account of the fact that the area earmarked for development of community hall had been sold as residential plots in favour of few persons by the promoter of the layout. Subsequently, the respondents have purchased some portions of the property, which is earmarked for developing community hall.

4. The learned counsel for the respondents would mainly contend that based on the Circular issued by the Director of Town and Country Planning dated 17.08.1987 necessary approval has been obtained from Veerakeralam Town Panchayat. Based on the said letter of the Director of Town and Country



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Planning, the Town Panchayat has granted approval for converting the community hall space as housing plots. The conversion of community hall as housing plots have been approved by the proceedings of the Executive Officer Veerakeralam Town Panchayat on 02.09.1991.

5. The learned Standing Counsel for the Coimbatore Corporation raised serious objections on the ground that the common spaces earmarked under the original layout cannot be converted as housing plots and further cannot be sold in favour of any other persons. The purpose for which the land is allotted under the original layout is to be utilized for the purpose for which it was allotted and any conversion or reclassification is impermissible under the provisions of the Act and Rules. It is mainly contended that the Executive Officer of the Veerakeralam Town Panchayat is not the competent Authority for conversion of community hall spaces into housing plots. Therefore, the order passed by the Executive Officer is nullity in the eye of law.

6. The learned counsel for the respondents would further contend that the Corporation has not initiated action against some other persons who had also converted the common space as housing plots and constructed buildings particularly in plot Nos.4 and 12. No action has been taken by the Corporation against those persons who made constructions illegally and without obtaining



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any planning permission from the competent Authorities.

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7. It is needless to state that the buildings constructed without planning permission are unauthorized construction. The Authorities competent are bound to initiate action for removal of unauthorized constructions by following the procedures as contemplated under the relevant provisions of Act and Rules. As far as the approved layouts are concerned, the law is settled by the Hon'ble Supreme Court and the common areas earmarked i.e., OSR, children parks, roads, community halls, religious places, schools etc., cannot be altered nor be re-classified and sold for some other purposes. Though certain common areas falling under the salable area, it is to be sold only for the purpose for which it has been earmarked in the approved layout and the purchaser has to utilize the land for the purpose for which it was sold and the promoter is bound to impose conditions while selling the land. This being the legal position, the action initiated by the Corporation cannot be said to be perverse.

8. It is made clear that the common areas earmarked are to be utilized only for the purpose for which it has been earmarked in the original layout and the conversion of the community hall land as housing plots pursuant to the directions of the Executive Officer, Veerakeralam Panchayat is null and void



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and *non est* in law and issued without any Authority under law. Thus, the said

approval would not confer any right to any persons to utilize the land contrary to the scheme of the original layout.

9. As far as the illegalities pointed out by the respondents are concerned, the competent Authorities of the Corporation has to issue notice setting out the facts and details to the illegal constructions or unauthorized constructions and initiate appropriate action by following the procedures as contemplated under the relevant statutes and Rules in force.

10. As far as the findings of the writ Court are concerned, it is in consonance with the provisions of the Act as well as legal position settled by the Hon'ble Supreme Court. Thus, this Court is not inclined to interfere with the order of the writ Court. It is made clear that in the event of issuing any notice by the Corporation against the unauthorized constructions, the persons aggrieved are at liberty to raise all the grounds / defences before the Authority in response to the notice, if any issued. However, it is made clear that the entire area earmarked for community hall is to be used for construction of community hall. Thus, it is unnecessary for the Corporation to fence the area at present.

11. In view of the facts and circumstances, the writ orders impugned are

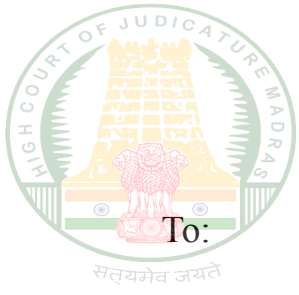


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set aside and consequently the Writ Appeals are **allowed** with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.S.N., J.)
12.09.2025

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



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To:

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Big Bazaar Street,
Coimbatore – 641 001.
2. The Deputy Director,
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Office of the Regional Director,
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