



WP.No.31075 of 2022

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In the High Court of Judicature at Madras

Dated : 11.3.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

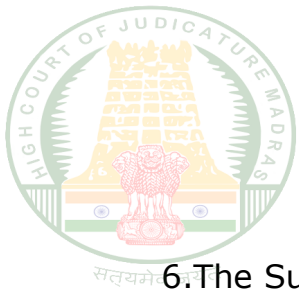
Writ Petition No.31075 of 2022 &
WMP.No.30497 of 2022

1.C.Subramanian
2.N.Muralikrishnan

Vs

...Petitioners

- 1.The District Collector,
Coimbatore District,
Coimbatore-18.
- 2.The Deputy Director of
Town & Country Planning,
Directorate of Town &
Country Planning,
Coimbatore Nilgiris Region,
Corporation Commercial
Complex, Dr.Nanjappa Road,
Coimbatore--18.
- 3.The Commissioner,
Coimbatore Municipal
Corporation, Coimbatore-1.
- 4.The Chief Educational Officer,
No.500, Raja Street, Near
Five Corner, Town Hall,
Coimbatore-1.
- 5.The District Registrar,
Office of the District Registrar,
102, State Bank Road,
Gopalapuram, Coimbatore-18.



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6. The Sub-Registrar, Ganapathy
Sub-Registration District,
33, Maniakarampalayam,
Coimbatore-6.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring that the settlement deed dated 19.9.2011 executed by the President of then Vilankurichi Village Panchayat in favour of the fourth respondent herein registered as document No.5894 of 2011 on the file of the sixth respondent herein in so far as it relates to the extent of 49 cents and 324 sq.ft (mentioned as item No.2 in the schedule of property in the deed) which is notified as park under the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu Town and Country Planning Act, 1971 in 'Bharathi Nagar' within the limits of erstwhile Vilankurichi Village Panchayat in Coimbatore North Taluk and presently under the Coimbatore Municipal Corporation - the third respondent herein as null and void and direct the sixth respondent to cancel the same and to consequently direct the third respondent to develop the said area as a park, the purpose for which it was allotted.

For Petitioners	:	Mr.K.Subburam
For R1, R2 & R4 to R6	:	Mr.A.Selvendran, SGP
For R3	:	Mr.N.Umapathi Standing Counsel



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ORDER

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This writ petition has been filed challenging the settlement deed dated 19.9.2011 registered as doc.No.5894 of 2011 on the file of the sixth respondent and executed by the President of Vilankurichi Village Panchayat (for short, the Panchayat) in favour of the fourth respondent in so far as it relates to an extent of 49 cents and 324 sq.ft., which was notified as a park under the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu Town and Country Planning Act, 1971 in Bharthi Nagar presently under the control of the Coimbatore Municipal Corporation and to direct the sixth respondent to cancel the same and to direct the third respondent to develop the said area into park.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader appearing for respondents 1, 2 and 4 to 6 and the learned Standing Counsel for the third respondent.

3. The case of the petitioners is as follows :

They purchased plots in an approved layout, which is called as Bharathi Nagar. While granting approval, 10% of the layout area was earmarked as a park, which is measuring 49 cents and 324 sq.ft. That being so, the erstwhile President of the Panchayat executed a



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settlement deed dated 19.9.2011 registered as doc.No.5984 of 2011 on the file of the sixth respondent in favour of the fourth respondent for the purpose of running a school. This is put to challenge in this writ petition.

4. The fourth respondent filed a counter wherein it has been stated that the Panchayat Union Middle School is run at Vilankurichi, that a decision was taken to upgrade the same as a higher secondary school in the year 2018, that it was under such circumstances, a request was made to the panchayat and that therefore, the settlement deed dated 19.9.2011 was executed in favour of the fourth respondent. According to the fourth respondent, there are totally 520 children studying from 6th standard to 12th standard during the academic year 2024-25 and there are 10 classrooms and one lab available and the Education Department desperately wants the area to put up a construction to run the higher secondary school.

5. The third respondent filed a counter wherein he took a stand that the subject land was earmarked as a park, that there was no right available to the President of the Panchayat to execute any sale deed, that the Panchayat was merged with the Coimbatore City Municipal Corporation on 28.9.2010, that the third respondent is the custodian



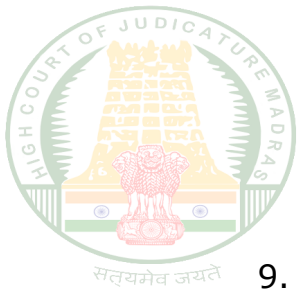
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of the land, which was earmarked as a park and that the said space cannot be put to use for any other purpose. The third respondent requested this Court to pass appropriate orders so as to enable the third respondent to preserve the park site.

6. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

7. It is now too well settled that where a space has been earmarked as open space reservation land or as a park, the same cannot be used other than the purpose, for which, it was specifically earmarked. In any event, the President of the Panchayat did not have any power or jurisdiction to execute such a settlement deed in favour of the fourth respondent.

8. The third respondent has taken a very clear stand that the President of the Panchayat lacked the authority or jurisdiction to execute such a settlement deed. That apart, the third respondent also requested for appropriate directions to maintain/preserve the subject property as a park site.



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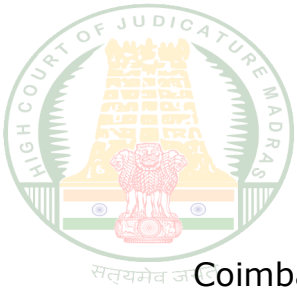
9. Useful reference can be made to the judgment of the Hon'ble Apex Court in the case of ***Association of Vasanth Apartments' Owners Vs. V.Gopinath [reported in 2023 LiveLaw (SC) 105]***.

10. In the light of the above discussions, the writ petition is allowed and the settlement/gift deed dated 19.9.2011 executed by the President of Vilankurichi Village Panchayat in favour of the fourth respondent is declared as non-est in the eye of law. The subject property shall be maintained as a park area by the Coimbatore City Municipal Corporation and shall be utilized for public purposes. Necessary entries shall be made in this regard by the sixth respondent in the encumbrance certificate. No costs. Consequently, the connected WMP is closed.

11.3.2025

To

- 1.The District Collector,
Coimbatore District,
Coimbatore-18.
- 2.The Deputy Director of
Town & Country Planning,
Directorate of Town &
Country Planning,
Coimbatore Nilgiris Region,
Corporation Commercial
Complex, Dr.Nanjappa Road,
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- 3.The Commissioner,



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Coimbatore Municipal
Corporation, Coimbatore-1.

4.The Chief Educational Officer,
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5.The District Registrar,
Office of the District Registrar,
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6.The Sub-Registrar, Ganapathy
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