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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Cont.P.No. 3299 of 2024

1. A.Kandasamy
2. A.Palanisamy
3. A.Ganesan ... Petitioners/Petitioners

Vs

1. Mr.B.Ganesan, IAS,
The Commissioner / Director,
Directorate of Town and Country Planning Department (DTCP)
807, Anna Salai, Chennai – 600 002.
2. Mr.Valavanthan
The Member Secretary
The Coimbatore Local Planning Authority
Raja Naidu Street, Tatabad
Coimbatore – 641 012.
3. Mr.M.Sivaguru Prabhakaran IAS
The Commissioner
Coimbatore Corporation
Town Hall, Coimbatore – 641 001.
...Respondents/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondents 1 to 3 herein jointly and severally for committing an act of deliberate and flagrant



violation/disobedience of the order of this Hon'ble Court dated 22.03.2024, made in W.P.No. 7190 of 2024.

For Petitioner : Mr. G.K.Muthukumar

For RR 1 & 2 : Mr. T.Chandrasekaran
Special Government Pleader

For 3rd Respondent : Mr. Hasan Mohamed Jinnah
Senior Advocate
Assisted by
Mr.K.M.D. Muhilan
Standing Counsel

ORDER

Consequent to statutory notice issued to the respondents, by an order dated 20.12.2024, Mr.M.Sivaguru Prabhakaran, Commissioner, Coimbatore Corporation present in Court. He had also filed an affidavit.

2. In the affidavit, he had stated as follows in paragraph Nos. 7 to 10:

“7. I state that though the said Park site vest with the Coimbatore Corporation ever since the earmarking in the approved plan on 21.04.1998, such layout planning permission having been issued



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by the DTCP, any request for modification/alteration in the layout approval can only be considered by the DTCP, being the appropriate authority and not the Coimbatore Corporation.

8. I state that though the Coimbatore Corporation is not vested with the power to modify/alter any layout approved by the DTCP, a joint field inspection was conducted on 20.11.2024 by the Assistant City Planner – East Zone, Coimbatore Corporation along with the Supervisor, and Draughtsman Grade-III, of the District Town and Country Planning Office, Coimbatore. An Advocate representing the petitioners also participated in the said inspection.

9. I state that following the aforesaid inspection, a personal hearing was held on 12.12.2024 by the Joint Director, DTCP-Coimbatore, and the same was attended by the Assistant City Planner-East Zone, Coimbatore Corporation, the petitioners' advocate, and one of the petitioners, Mr.Palanisamy.

10. I state that the Assistant Director/Joint Director (i/c), DTCP-Coimbatore based on the inspection and personal hearing, sent a letter dated 16.12.2024 to the petitioner, rejecting the petitioners



claim.”

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3. It is thus seen that the representation of the petitioner had been addressed by letter dated 16.12.2024. Independently, the Joint Director, in charge of District Town and Country Planning, Coimbatore, had also been filed a compliance affidavit wherein paragraph No.6, he had stated as follows:-

“6. I state that after inspection of the said property, the Deputy Director of Town and Country Planning, Coimbatore had sent personal notice for enquiry on 12.12.2024 and the petitioner appeared in person and through their counsel. I state that during enquiry it was found that the property situate in S.No.179, 180 measuring 3.46 acres belonged to one Palani gounder vide Document No.30/1974. I state that as per the said document there is a mention about common pathway running through the above said land. I state that one M/s. Green Field Housing Private Limited obtained patta for S.No. 179/2A, 179/3A, 180/1B, 180/2, 180/3A, 180/4A, 180/5D and applied for the Group development Building to 1st respondent and Technical concurrence



issued by the Director of Town and Country Planning department and Coimbatore Local Planning authority issued on planning permission No. 73/2018 vide Roc.No.7774/2017 dated 09.03.2018 and the above said land ownership in M/s. Green Field Housing Private Limited based on the patta and documents in their favour had gifted to the OSR land which in S.F.No.180/5A, 179/2B, 180/3B & 180/4C to the third respondent. Since, the said land was already gifted to the third respondent, this respondent had no power to form a pathway in the OSR land, hence this respondent by an order dated 16.12.2024 in Na.Ka.No.4460/2024 KoMal was pleased to inform the petitioner about the same. Above said OSR Land area in the Name of Commissioner, Coimbatore Corporation. I state that the order of this Hon'ble Court has been complied to its letter and spirit. ”

4. The learned Public Prosecutor appeared on behalf of the third respondent and stated that the order of the learned single Judge had been complied with to the extent to which it could be lawfully complied by the respondents. It is also submitted that if the petitioner has any grievance over the letter dated 16.12.2024, the petitioner will necessarily have take



further steps in appropriate manner in appropriate proceedings.

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5. The learned counsel for the petitioner states that some right should be reserved to the petitioner to question the approval granted for the lay out and consequential orders. The rights of the petitioner should be within the frame work of law and if they are so, the petitioner is always at liberty to raise any objections over any administrative order passed.

6. This Contempt Petition stands closed.

20.01.2025

vsg

Index: Yes/No

Speaking order / Non speaking order



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C.V.KARTHIKEYAN, J.

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