



WEB COPY



W.P.No.39429 of 2024

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.39429 of 2024 and

W.M.P.Nos.42687 and 42688 of 2024

T. Nithiyanandan

...Petitioner

Vs.

1. The Assistant Director/Joint Director (I/C)
Coimbatore Local Planning Authority,
Coimbatore District, Coimbatore.

2. The Commissioner
Coimbatore Corporation, Coimbatore.

3. The Sub Registrar,
Ganapathy Sub Registrar Office, Coimbatore.

4. M. Malarvizhi

5. N. Muthusamy @ Singai N Muthu

6. K. Mylsamy

7. M. Koushik Kumar

...Respondents



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Writ petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the first respondent in ROC No. MWXPAO1L/2024/2024/TCP dated 27.11.2024 and quash the same and consequently forbearing the first respondent from in any manner granting approval to the layout in the lands of the petitioner in T.S.No.6/9, R.S.No.283/2 of Vilankurichi Village, Coimbatore North Taluk, Coimbatore and pass orders.

For Petitioner : Mr.P. Srinivas

For Respondents 1 and 3: Mr.V. Manoharan,
Additional Government Pleader

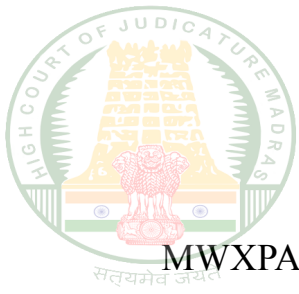
For respondent 2 : Mr.K.M. Muhilan, Standing counsel

For Respondents 4,5 and 7: Mr. V. Jayachandran for
Mr.P. Shri Santharaji

For Respondent 6 : Mr.Balaji Sankara Moorthy

ORDER

This Writ Petition is filed for a writ of Certiorarified Mandamus, calling for the records of the first respondent in ROC No.



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MWXPAO1L/2024/2024/TCP dated 27.11.2024 and quash the same and

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consequently forbearing the first respondent from in any manner granting approval for the layout of the lands of the petitioner in T.S.No.6/9, R.S.No.283/2 of Vilankurichi Village, Coimbatore North Taluk, Coimbatore and pass orders.

2. The petitioner and the fourth respondent jointly purchased the property measuring 3.09 acres, at S.F.No.283/2 of Vilankurichi Village, Coimbatore North Taluk, Coimbatore under the sale deed dated 15.04.2005. As the petitioner and the fourth respondent were not able to maintain the property, they executed a power of attorney, in favour of the 6th and 7th respondents on 27.05.2005, authorizing them to develop the lands and to sell the same to intending purchasers. Thereafter, the 6th and 7th respondents sold an extent of 2.00 acres and the remaining extent of 1.05 acres vested with the petitioner and the fourth respondent. Subsequently, they also sold the eastern half portion of 0.52 ½ acres in the above survey field, to one Mysamy, under a sale deed dated



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28.03.2012, bearing Registration No.2718/2012 and further extent of 0.26^¼ was

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sold to the 7th respondent under a sale deed dated 26.03.2012. According to the petitioner the remaining extent of 0.26^¼ acre vested with the petitioner and the fourth respondent. Thereafter, in the year 2021, the petitioner approached the fourth respondent, for partition of the said property with an intention to develop the same. The fourth respondent refused to partition the property. Later, the petitioner verified with the Sub Registrar's office and came to understand that the fourth respondent colluded with the seventh respondent and transferred the said property to the 7th respondent. Thereafter, the petitioner approached the power agents to settle the issue amicably.

3. According to the petitioner when he approached the 5th and 6th respondents to settle the issue amicably, they gave a letter of under taking stating that they would settle the issue amicably, within six months. However, instead of settling the issue they were trying to alienate the property. Hence, the petitioner filed a suit before the V Additional District Court, Coimbatore for partition of the suit property and for a declaration which is pending. The



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petitioner also filed a application for Interim injunction which is also pending.

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4. Mean while, the 5th and 6th respondents approached the first and second respondents for division of the land into plots. The first respondent after verification of the documents issued the impugned notice directing the second respondent, to allot certain extent of lands for common area, streets lights etc. Aggrieved by the impugned notice, the petitioner has filed the above writ petition for the above said relief.

5. A detailed narration of the facts stated in the counter of the respondents is consciously avoided in view of the discussions that are to follow. Suffice it to state that the fourth and fifth respondents filed a memo stating that they would adopt the counter of the seventh respondent. The sixth respondent in his affidavit narrated the entire history of the case and submitted inter alia., that the prayer sought in the writ petition was not maintainable both in law and on facts. The seventh respondent filed a counter denying the averments in the petitioner's affidavit and stated that the petitioner had no locus standi to file the writ petition.



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6. Head both sides and perused the materials on record. Indisputably, the subject matter of the suit is also the subject matter of the writ petition.

Admittedly, the petitioner has filed a suit in O.S.No. 361 of 2023 on the file of the V Additional District Court, Coimbatore for the following reliefs, for a declaration that the settlement deed dated 16.05.2012 executed in favour of 4th respondent was null and void and for a preliminary decree for partition of the suit property in two equal shares and allotment of one share to the petitioner.

The petitioner also filed I.A.No.2 of 2023 in the aforesaid suit for an injunction restraining the defendants therein from encumbering the petition mentioned property till the disposal of the O.S.

7. The petitioner cannot be permitted to prosecute two parallel proceedings for the same relief. The petitioners having approached the Civil Court for the aforesaid comprehensive reliefs, in my view, should wait for the result of the suit. Therefore, I find no merits in the writ petition. The learned



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counsel for the petitioner submitted that the I.A filed for interim injunction is kept pending for more than 1 ½ years and therefore prayed that appropriate direction may be issued to the V Additional District Court, Coimbatore to expedite the disposal of the said I.A.

8. The learned counsel appearing for the private respondents while not objecting to the petitioner's counsel request submitted that they may be permitted to file an additional counter in the I.A. The learned counsel further undertook to file the counter within a period of two weeks from the date of receipt of a copy of this order and further submitted that his party would co-operate in the expeditious disposal of the I.A.

9. In view of the above submissions of the learned counsels, the respondents 4 to 7 are directed to file their additional counter in the I.A, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the learned V Additional District Judge, Coimbatore shall dispose of the I.A within a period of two weeks.



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10. With the above directions, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition are closed

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Index: Yes/No

Speaking order: Yes/No

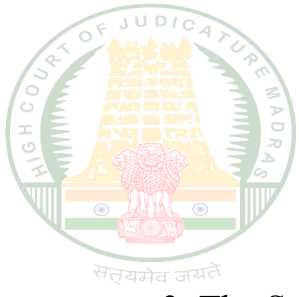
Neutral Citation: Yes/No

To.

1. The Assistant Director/Joint Director (I/C)
Coimbatore Local Planning Authority,
Coimbatore District, Coimbatore.

2. The Commissioner
Coimbatore Corporation, Coimbatore.

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3. The Sub Registrar,
Ganapathy Sub Registrar Office, Coimbatore.

N.MALA,J.

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