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Cont.P.No.890 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**Cont.P.No.890 of 2022**

D.Rajadurai

...Petitioner

Vs.

1.Raja Gopal Sunkara  
The Commissioner,  
Coimbatore Corporation,  
Coimbatore – 1.

2.Edwin Sundar Singh,  
The Director,  
Tamil Nadu Housing Board,  
Coimbatore Housing Board Section,  
Tatabad, Coimbatore.

3.The Joint Commissioner,  
Tamil Nadu Hindu Religious & Charitable Endowments Department,  
Dr.Balasundaram Road,  
Coimbatore – 641 018.

4.The Deputy Inspector General of Registration,  
18<sup>th</sup> Floor, Kamaraj Road,  
Red Fields, Puliakulam,  
Coimbatore – 641 018.

[Suo motu impleaded respondents 3 and 4  
as per the order dated 24.08.2022]

...Respondents

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents 2 and 5 in the Writ Petition for willfully disobeying the order dated 26.04.2017 passed in W.P.No.10516 of 2017.



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For Petitioner : Mr.D.Rajadurai, Party-in-person  
For Respondents : Mr.P.Kumaresan,  
Addl. Advocate General  
assisted by Mr.K.Magesh for R1  
Mr.A.M.Ravindranath Jayapal for R2  
Mr.K.Karthikeyan, Govt. Advocate for R3

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### **ORDER**

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Contempt Petition has been instituted to punish the respondents for wilful disobedience of the orders of this Court dated 26.04.2017 in W.P.No.10516 of 2017.

2. The following orders are passed by this Court:-

*“ 4. The fourth respondent shall cause an inspection of the site, I.e., Phase II in Kurichi Housing Unit, SIDCO, Coimbatore – 641 021, within a fortnight from the date of receipt of a copy of this order and if constructions are found to be in violation of the sanctioned plan or if it is unauthorized in any other manner, the respondents shall take action in accordance with law,, after giving notice to all concerned, and conclude the proceedings within a period of two months thereafter.*

*5. The Writ Petition, according, stands disposed of. No costs. Consequently, W.M.P.No.11416 off 2017 is closed.”*

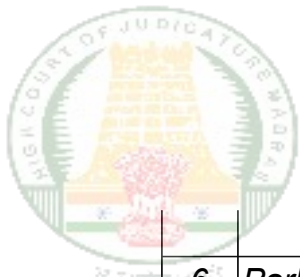


3. In response to the Contempt Petition, the Commissioner, City Municipal Corporation, Coimbatore filed a status report and the relevant paragraphs are extracted hereunder:-

3) I state that the officials of the first respondent Corporation inspected the Kurichi Housing Unit Phase – II SIDCO, Coimbatore and perused the records relating to the reserve sites earmarked in the approved layout L.P.A.No.23 of 1981. It is further submitted that the layout formed land measuring an extent of 45.50 acres. Out of which 4.85 acres earmarked for park, playground and open space in the approved layout. The other saleable reserve sites namely, Weekly market place, Nursery school, Community Hall and High School are under the control of the Tamil Nadu Housing Board.

4) The following classifications earmarked in the approved area and the encroachments therein mentioned as follows:

| Sl. No. | OSR Classification                         | Area Sq.mt | Nature of usage at present                                                         | Extent of area other than OSR usage. (Sq.mt) |
|---------|--------------------------------------------|------------|------------------------------------------------------------------------------------|----------------------------------------------|
| 1       | Weekly market place saleable area.         | 1983       | Govt. Fisheries Department building                                                | 815                                          |
| 2       | Nursery School Saleable area TNHB control. | 1700       | Siddi Vinayagar Temple                                                             | 652                                          |
| 3       | Community Hall Saleable area TNHB control. | 1375       | Vacant                                                                             | --                                           |
| 4       | High School Saleable area TNHB Control.    | 8417       | a. OHT Tank<br>b. Ration Shop<br>c. Anganwadi Cent.<br>d. Pump Room<br>e. ACC shed | 1100<br>40<br>40<br>22<br>15                 |
| 5       | Reserved for Open Play ground              | 3150       | a. Water tank                                                                      | 500                                          |



|    |            |      |                                   |      |
|----|------------|------|-----------------------------------|------|
|    |            |      | b. Community hall                 | 120  |
| 6  | Park – I   | 2802 | Sri Dharmasastha Tem. & Mandapam. | 1938 |
| 7  | Park – II  | 1236 | Developed as a park               | --   |
| 8  | Park – III | 8300 | Pump Room                         | 150  |
| 9  | Park – IV  | 1260 | Temple                            | 965  |
| 10 | Park – V   | 2300 | ACC Sheet Indoor Stadium          | 400  |
| 11 | Open - I   | 280  | Vacant                            | --   |
| 12 | Open - II  | 130  | ACC shed. Encroachment removed.   | --   |
| 13 | Open - III | 200  | OHT tank                          | 20   |
| 14 | Open - IV  | 187  | Vacant                            | --   |
| 15 | Open - V   | 317  | Children's park developed         | --   |

5) It is submitted that the other OSR land called weekly market place measuring an extent 1983 sq.mtr. Govt. Fish farming building exists measuring an extent of 815 sq. mtr., nursery school measuring an extent of 1700 sq.mtr., community hall measuring an extent of 1375 sq.mtr. And High School measuring an extent of 8417 sq.mtr. Which are saleable area and under the control of the Tamil Nadu Housing Board. These areas are not coming under the 10% OSR land and saleable by the promoter of the layout, namely the Tamil Nadu Housing Board.

6) It is submitted that the encroachment in Open Space II measuring an extent of 130 sq.mtr. By private person has been removed and possession taken over and name board erected and fenced the same by the Corporation.



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7) *The land measuring an extent of 2300 sq.mtr. Is earmarked for park-V in the approved layout, the Welfare Association after obtaining permission from the then Kurichi Municipality constructed a ACC Sheet indoor stadium measuring an extent of 400 sq.mtr. For the usage of the members of Kurichi Housing Phase -II and the same has been handed over to the Corporation and said no objection for using the same for public purpose.*

*It is submitted that the temples exist in the OSR lands and the same are maintained by the residents of Kurichi Housing Unit Phase – II. This Hon'ble Court suo moto impleaded the Joint Commissioner, HR&CE Department and filed their status report, pending for consideration by this Hon'ble Court. Under the circumstances, the respondent Corporation is not in a position to remove the temples at present without further direction from this Hon'ble Court.*

4. In view of the above status report, the respondents have not committed any willful disobedience. If any other grievance exists to the petitioner, he is at liberty to workout his remedy in the manner known to law.

5. Accordingly, this Contempt Petition stand **closed**.

(S.M.S., J.) (C.K ., J.)  
29.01.2026

dsa  
Internet :Yes/No  
Index :Yes/No



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