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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 5931 of 2026

D.Satishkumar

..Petitioner(s)

Vs

1. The Commissioner
coimbatore Municipal corporation
coimbatore-641 001
2. The Director
Town and country planning authority
2rd, 3rd and 4th floor, C.M.D.A Building
E and C Market, Koyambedu
chennai-600 107
3. The Member secretary/Joint Director
(incharge)
District Town and country planning office,
Ground floor,
Gandhi Manager
coimbatore-641 004
4. C.Arumugam
5. Balasubramaniam
6. K.Gokila
7. K.Muthukrishnan
8. K.Durai Raj
9. Rajarajeshwari

..Respondent(s)



Writ Petition filed under Article 226 of the Constitution of India issuing a writ of mandamus directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 9 and consequently remove the encroachments made in the EVR periyar Nagar Layout Ward No.52, Survey No.14/1, 21/1 and 2, of Uppilipalayam village, Singanallur Sub Registration office, Coimbatore District vide approval No.LP/R(CN).No.278/79 in light of the petitioner's representation dated 24.12.2025.

For Petitioner(s): Mr.V.R.Kamalanathan

For Respondent(s): Mr.D.R.Arunkumar
Standing Counsel for R1
Mr.T.Arunkumar
Additional Government Pleader for R2 & 3
Mr.P.Pandiya Raj for R6-8
Mr.M.Vijayan
for Mr.Kingsly Solomon for R9
R4 & 5- Not ready

Order

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

Writ of mandamus has been instituted to direct the respondents 1 to 3 to take appropriate action against the respondents 4 to 9 and consequently remove the encroachments made in the EVR periyar Nagar Layout Ward No.52, Survey No.14/1, 21/1 and 2, of Uppilipalayam village, Singanallur Sub Registration office, Coimbatore District vide approval No.LP/R(CN).No.278/79 in light of the petitioner's representation dated 24.12.2025.

2. The allegations set out in the writ petition would show that lands



earmarked for public amenity are encroached upon and therefore, all such encroachments are to be removed for utilising the common purpose area for the benefit of the public residing in that locality.

3. Learned counsel for the respondents would oppose by stating that it is an unapproved layout, and that he secured an order of regularisation of his plot.

4. Learned Additional Government Pleader would oppose by stating that layout approval is no way connected with the regularisation of plot, and OSR land are to be maintained for public purpose. Sale of OSR land by itself is null and void in view of the judgment of the ***Association of Vasanth Apartment's Owners Vs V. Gopinanth And Others***¹.

5. Commissioner, Coimbatore Municipal Corporation filed a status report. Commissioner would state that Coimbatore South Taluk Uppilipalayam Village, In Survey Field Nos. 14/1 and 21/1 & 2, a layout was approved by the Directorate of Town and Country Planning vide LP/R (CPN) No. 278/79, to an extent of 5.17 acres. The said layout consists of 50 house sites, and land was earmarked for public amenities as follows:

Children's Play Space (C.P.S.) - 11 cents 224 sq.ft

Park - 10 cents 252 sq ft

¹ (2023 INSC 123)



Reserved for Public Purpose Site - 28 cents and 179 sq.ft.

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Thus, the required 10% extent of land was reserved for public purpose and public amenities in the said approved layout.

6. Encroachments as well as factual details regarding the approval of layout granted are stated in the status report and the relevant paragraphs are extracted hereunder,

“...3. I respectfully submit that a complaint dated 05.08.2024 was received from Tamil Nadu Reserve Site Sangam alleging encroachment in the land reserved for public purpose measuring 28 cents and 119 sq.ft. in the said layout.

4. It is respectfully submitted that the officials of the Coimbatore City Municipal Corporation conducted site inspection with the assistance of the Town Surveyor and verified the layout approval records and Town Survey Land Register (TSLR). Based on such verification, it has been confirmed that the land in question forms part of the public purpose site earmarked in the approved layout and that certain encroachments had been made therein.

5. Based on the above findings, the Corporation initiated action after issuing notices and following due process of law. The action taken and the subsequent developments are detailed below:



S.No	Date	Description
1	05.08.2024	Complaint received seeking removal of encroachment in the land reserved for public purpose in Layout LP/R (CPN) No. 278/79.
2	07.10.2024	The Assistant Commissioner, East Zone, vide Roc. No. 6489/2014/H2(E), issued encroachment eviction notices to respondents 4, 5 and 6 namely, Thiru Arumugam, Thiru Balasubramaniam and Tmt. Gokila under Section 128 of the Tamil Nadu Urban Local Bodies Act.
3	14.10.2024	Respondents 5 and 6; Tmt. K. Gokila and Thiru C. Arumugam submitted representations along with registered documents objecting to the eviction notice.
4	10.12.2024 & 14.12.2024	The Town Surveyor conducted inspection and confirmed the encroachment through report and sketch dated 10.12.2024 and 14.12.2024.
5	04.04.2025	The Assistant Commissioner (East Zone) issued notice vide Roc. No. 2435/2024/H2(E) directing the concerned persons to appear for enquiry on 09.04.2025 at 5.00 p.m.
6	09.04.2025	Enquiry was conducted and the concerned persons appeared and submitted their explanations.
7	23.04.2025	After due enquiry and verification of records, final orders were passed by the Commissioner, Coimbatore City Municipal Corporation, vide Roc. No. 2435/2025/H2(E), directing eviction of encroachments from the public purpose site.
8	30.10.2025	A communication was sent to the Assistant Director of Survey requesting cancellation of the subdivision made in



		T.S. Ward AF, Block 10, T.S. No. 26 (Part), since the said land is a public purpose site.
9	13.12.2025	9 th respondent Tmt. S. Rajarajeshwari attempted to fence the public purpose site. The same was prevented by the Corporation officials and possession of the site was restored. A name board has been erected indicating that the land is a public purpose site in the approved layout.
10	29.12.2025	Electricity service connection to the industrial building encroached by Thiru Arumugam and Thiru Balasubramaniam was disconnected.
11	03.01.2026	Respondents 7 and 5; Thiru Arumugam and Thiru Balasubramaniam voluntarily demolished the encroached industrial building.

6. I respectfully submit that the residential building put up by the respondents 6, 7 and 8 is presently remaining in the said public purpose site

7. I respectfully submit that the Coimbatore City Municipal Corporation has been taking continuous steps to safeguard the land reserved for public purpose in the approved layout and substantial encroachments have already been removed as detailed above.

8. It is respectfully submitted that necessary further action is being taken by the Corporation to remove the remaining encroachments after completing procedural formalities and in accordance



with

law.

9. It is further respectfully submitted that the remaining encroachments will be dealt with by the Corporation in accordance with law, subject to administrative requirements, availability of police protection and law-and-order situation, and in compliance with the directions of this Hon'ble Court.

10. In the above circumstances, it is respectfully submitted that the Coimbatore City Municipal Corporation has already initiated necessary action and substantial encroachments have been removed. The remaining action is also being pursued in accordance with law, and the Corporation will continue to take action in accordance with law even thereafter."

7. Since the Commissioner, Coimbatore Corporation has already initiated action and further stated that the remaining action is pursued in accordance with law, it would suffice if a direction is issued to the competent authority. Accordingly, the 1st respondent is directed to continue the enforcement action initiated and ensure that the encroachments in OSR lands are removed. Common purpose area, streets/roads are maintained as per the layout for public usage and common purpose areas are utilised for the purpose for which, it was allotted in the layout approval. The persons claiming any right over the plot is at liberty to submit his explanation along with the documents to the Commissioner, who in turn may look into the same and take



a final decision and accordingly, proceed with the enforcement action.

WEB COPY 8. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
15-04-2026

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

GD

To

1. The Commissioner
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Coimbatore-641 001
2. The Director
Town and country planning authority
2rd, 3rd and 4th floor, C.M.D.A Building
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

GD

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