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W.P.No.13405 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.13405 of 2026

D.Raja Durai
S/o.Dhana Singh,
C-487, Phase II, Kurichi Housing Unit,
Industrial Estate Post,
Coimbatore 641 021

Petitioner

Vs

- 1.The District Collector
Coimbatore District,
Coimbatore
- 2.The Commissioner
Corporation of Coimbatore,
Corporation Office,
Coimbatore 641 001
- 3.The Director
Directorate of Town and Country
Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu,
Chennai-600 107



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- 4.The Deputy director
Directorate of Town and Country
Planning,
Coimbatore Region,
No.50, First & Second Floor,
FCI Road, Gandhi Town,
Ganapathy, Coimbatore 641 004
- 5.The Secretary
Kurichi Pudu Nagar Development
Authority,
District Urban Development Office
No.50, Ground and First Floor,
FCI Road, Gandhi Town,
Ganapathy, Coimbatore 641 004
- 6.The SIDCO Branch Manager
SIDCO Industrial Estate,
Kurichi Village, Madukkarai Taluk,
Coimbatore 641 021
- 7.The Executive Engineer and
Administrative Officer
TNHB Office Complex,
HUDCO Colony, Peelamedu,
Coimbatore 641 012
- 8.The Commissioner
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034
- 9.Sree Sidhi Selva Vinayagar Temple,
Rep. by its President,
Opp. to Door No. 339,
Kurichi Housing Unit,
Industrial Estate Post,
Coimbatore 641 201



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10.Sree Dharma Shashtha Temple

Rep. by its President,
Kurichi Housing Unit II,
Industrial Estate Post,
Coimbatore 641 021

11.WAR Association

Rep. by its President,
Opp. to Door No. 339,
Kurichi Housing Unit II,
Industrial Estate Post,
Coimbatore 641 201

12.Sree Varasidhi Vinayagar Thirukoil

Vazhipattu Mandram
Rep. by its President,
Kurichi Housing Unit Phase I
Extension,
SIDCO Industrial Estate,
Coimbatore 641 021

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to demolish the unauthorised constructions made in the area reserved for the purpose of nursery school, parking area, parks, playgrounds and public spaces and restore the Open Space Reserved (OSR) lands in Phase II in Kurichi Housing Unit, SIDCO, Coimbatore.

For Petitioner: Mr.P.Suresh Babu

For Respondent: Ms.Akila Rajendran
Government Advocate
for R1, R3 to R5

Mr.N.Velmurugan



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Standing Counsel for R2

Mr.N.R.R.Arun Natarajan
Spl. G.P. (HR & CE) for R8

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on admission.

2. This writ petition filed under Article 226 of the Constitution of India seeks a direction to the respondents to demolish the unauthorised constructions made in the area reserved for the purpose of nursery school, parking area, parks, playgrounds and public spaces and restore the OSR lands in Phase II in Kurichi Housing Unit, SIDCO, Coimbatore.

3. Learned counsel for the petitioner submitted that several illegal encroachments and unauthorised constructions have been made on the OSR land, which was originally earmarked by the Government for the purposes of nursery school, parking area, parks and playgrounds etc. in Phase II of Kurichi Housing Unit. He would submit that despite this Court's order in W.P.No.10516 of 2017, dated



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26.4.2017, the construction activities of temples continued and were ultimately completed by respondent No.12. As the respondent authorities have failed to remove the illegal constructions in the OSR land, the petitioner has filed the present writ petition.

4. Learned Special Government Pleader (HR & CE) appearing for respondent No.8 has pointed out that earlier an identical prayer was made by the petitioner in W.P.No.10516 of 2017 and, vide order dated 26.4.2017, the said writ petition was disposed of directing the fourth respondent therein to cause an inspection of the site i.e., Phase II in Kurichi Housing Unit, SIDCO, Coimbatore within a fortnight from the date of receipt of a copy of the order and, if constructions are found to be in violation of the sanctioned plan or if it is unauthorised 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. Learned counsel for respondent No.8 further submitted that alleging non-compliance of the order dated 26.4.2017, Contempt Petition No.890 of 2022 was filed and the same was closed by this Court observing that the respondents have not committed any willful



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disobedience. In the said order, it has also been stated that if any other grievance exists, the petitioner is at liberty to workout his remedy in the manner known to law. According to learned counsel for respondent No.8, the petitioner has filed the present writ petition for the same relief as prayed for in W.P.No.10516 of 2017.

6. On a perusal of the prayers made in W.P.No.10516 of 2017 and the present writ petition, we are of the view that both are identical in nature. The present writ petition is, therefore, hit by the principle of res judicata. It is well settled proposition in law that principle of *res judicata* applies to writ proceedings, as has been held by the Supreme Court in *Daryao v. State of Uttar Pradesh*¹; *Virudhuttagar Steel Rolling Mills Limited v. Government of Madras*², and *Shankara Co-operative Housing Society Limited v. M. Prabhakar*³. Therefore, we are not inclined to entertain the present writ petition and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

¹ AIR 1961 SC 1457

² AIR 1968 SC 1196

³ (2011) 5 SCC 607



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However, liberty is granted to the petitioner to file appropriate proceedings in accordance with law.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
15.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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Coimbatore District,
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