



W.P.No.13232 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.02.2026**

**CORAM :**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.No.13232 of 2024

and

W.M.P.No.14375 of 2024

S.Balasubramanian

... Petitioner

**Vs.**

1.The Director of Town and Country Planning,  
Anna Salai,  
Chennai-600 002.

2.The Member Secretary,  
Local Planning Authority,  
Sivananda Colony,  
Coimbatore.

3.The Commissioner,  
Coimbatore City Municipal Corporation,  
Coimbatore.

4.The District Collector,  
Coimbatore-641 018.

5.S.Ponnusamy

6.SP Thiagarajan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> Respondent herein to consider the Resolution dated 21.04.1984 of the Local Planning Authority, Coimbatore forwarded by the Coimbatore Corporation to the 1<sup>st</sup> Respondent herein under letter Na.Ka.No.90035/83/H9 dated 28.06.1984 and orders deleting the scheme road 63:63 as recommended therein and forbear the Respondents 1 to 3 herein from in any manner interfering with the rights and possession of the petitioner as absolute owner thereof.

For Petitioner : Mr.M.A.Vimalmohan

For Respondents : Mr.N.Naveenkumar  
Government Advocate [R1, R2 & R4]

Mr.K.Magesh [R3]

Mr.R.Darshan  
for Mr.N.Manokaran [R5 & R6]

### **ORDER**

Writ petitioner seeks a direction to the 1<sup>st</sup> respondent to delete the scheme road of 63 – 63 as recommended by the Local Planning Authority on 28.06.1984. I need not trouble myself to go into details of the case as a Division Bench of this Court had gone into entire gamut in S.A.No.1395 of



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2001 dated 28.03.2024. The Division Bench had granted the relief of permanent injunction restraining the respondents therein, who are the petitioner and respondents herein, from altering the physical features in respect of 40 feet road, which is the subject matter of this writ petition. It had also given a direction to remove the encroachments made over the road. A writ petition filed by the petitioner in W.P.No.14501 of 2021 was also heard along with Second Appeal. It was dismissed holding that the action of the promoters in leasing out the public road is void abinitio. The Court also held that the nature of the road is a public road.

2. The common order passed by this Court in Second Appeal and the writ petitions was challenged before the Supreme Court in S.L.P.Nos.8932 - 8934 of 2024. By Order dated 22.04.2024, the Supreme Court recorded that the encroachments made over the road has been removed.

3. For ready reference, the order of the Supreme Court is scanned and extracted hereunder:-



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ITEM NO.23

COURT NO.6

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).8932-8934/2024

(Arising out of impugned final judgment and order dated 28-03-2024 in SA No.1395/2001, WP No. 13862/2017 and Writ Petition No. 14501/2021 passed by the High Court Of Judicature At Madras)

S. BALASUBRAMANIAM

Petitioner(s)

VERSUS

S.PONNUSAMY & ORS. ETC

Respondent(s)

(FOR ADMISSION and I.R. and IA No.92288/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92287/2024-EXEMPTION FROM FILING O.T. )

Date : 22-04-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. V. Chitambaresh, Sr. Adv.  
Mr. John Mathew, AOR

For Respondent(s) Mr. K. V. Mohan, AOR  
Mr. K.V. Balakrishnan, Adv.  
Mr. R.K. Raghavan, Adv.

Mr. D. Kumanan, AOR  
Mr. Sheikh F. Kalia, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr. V. Chitambaresh, learned Senior Counsel appearing for the petitioner (defendant No.12).

2. Although the senior counsel makes strenuous argument to say that the High Court should not have entertained the plaintiffs' second appeal and reversed the order passed by the Court of the learned Munsif and the learned District Judge, Coimbatore, having



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considered the basis for interference by the High Court in ordering for removal of encroachment on the earmarked public road, we see no reason to invoke our extra ordinary jurisdiction.

3. At this stage, Mr D. Kumanan, learned counsel appearing for the Coimbatore City Municipal Corporation submits that since the impugned judgment of the Division Bench, the encroachments have been removed. This is also the submission of Mr. K.V. Mohan, the learned counsel appearing on caveat on behalf of the plaintiff.

4. The Special Leave petitions are accordingly dismissed.

5. Pending application(s), if any, stand closed.

(DEEPAK JOSHI)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR

4. The findings of the Division Bench that the area occupied by the petitioner is a public road has been confirmed and has attained finality.

5. Further, the petitioner had purchased the property pending the litigation when the bench has held, the vendors of the petitioner have right to alienate, the same would be binding on the petitioner also. The remedy of the petitioner is not against the respondents but only against his vendors for having alienated a property over which they had no title. The petitioner is no



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longer in possession. Therefore, the question of considering the writ petition does not arise.

6. With the above observations, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**23.02.2026**

ssn

To

- 1.The Director of Town and Country Planning,  
Anna Salai,  
Chennai-600 002.
- 2.The Member Secretary,  
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- 3.The Commissioner,  
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**V.LAKSHMINARAYANAN, J.,**

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