



W.P.No.50831 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.50831 of 2025

D.Raja Durai
S/o.Dhana Singh

... 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.
4. 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.



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5. The SIDCO Branch Manager
SIDCO Industrial Estate, Kurichi Village
Madukkarai Taluk,
Coimbatore – 641 021.
6. South Western Engineering India Private Limited
No.6/16/13, Krishnarayapuram Road
Ganapathy,
Coimbatore – 641 006. ... Respondents

*R6 impleaded vide order dated 27.04.2026 made in
W.M.P.No.16398 of 2026 in W.P.No.50831 of 2025

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to remove the encroachments and restore the Open Space Reserved (OSR) lands as per approved layout in DTP approved Plan No.LPI / DTP 2/71 at Kurichi Housing Unit.

For Petitioner	:	Mr.P.Suresh Babu
For Respondents	:	Mr.T.Arunkumar Additional Government Pleader for R1 and R3 Mr.M.S.Krishnan, Senior Counsel, for Mr.Varun Venkatesan, for R6 R2, R4 and R5 – No appearance



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ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The writ of mandamus has been instituted directing the respondents to remove the encroachments and restore the Open Space Reserved (OSR) lands as per the approved layout in DTP approved Plan No.LPI / DTP 2/71 at Kurichi Housing Unit.

2. The petitioner states that a layout has been approved by the competent authority at Kurichi Housing Unit. The OSR lands are encroached upon by some persons. Therefore, the residents in that locality are deprived of utilising OSR lands for public purposes.

3. Mr.M.S.Krishnan, learned Senior Counsel appearing on behalf of the impleaded 6th respondent, would submit that the layout was approved long back and several facts are to be placed before this Court.

4. In respect of the disputed facts, the High Court cannot conduct a roving enquiry in the writ proceedings. The authorities have to decide the



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issue on merits based on the documents and evidence produced by the parties and in accordance with the facts of the case. Such exercise is to be undertaken by the competent authorities. The learned Senior Counsel would further submit that an opportunity must be afforded to all the interested parties, enabling them to defend their case.

5. The learned Additional Government Pleader, would submit that, in any event of identifying any encroachments in the water body or public purpose parks, roads etc., as per the layout, the authorities are bound to initiate action to protect the public purpose lands for the purpose for which it has been earmarked in the layout.

6. This Court is of the considered view that the common purpose lands are to be protected in accordance with law. The protection of common purpose lands, including OSR lands, parks and roads is of paramount importance and the principles are ruled by the Hon'ble Supreme Court of India in the case of ***Association of Vasanth Apartments' Owners Vs. V.Gopinath and others (2023 SCC OnLine SC 137)***. Therefore, in the layout, the OSR lands, parks, roads etc., earmarked for public purposes are to be protected by the local authority. In the event of identifying any



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encroachment or alienation in the water body, appropriate actions will be initiated. However, the facts are to be adjudicated by affording an opportunity to the parties.

7. In view of the above factum, the official respondents are directed to conduct an enquiry by affording an opportunity to all the interested parties and take a final decision based on the facts as well as the law applicable to the facts of the case and thereafter, proceed with enforcement action, if any encroachments or alienation are identified and complete the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
27.04.2026

Index : Yes
Neutral Citation : Yes / No
Speaking order

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and
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