

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.10773 of 2015

N. Rajan

...Petitioner

Vs.

1 The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 009.

2 The Member Secretary,
Local Planning Authority, Sivananda Colony,
Gandhipuram , Coimbatore-641 012.

3 J.Sridhar Prabhu,
No.325 Vivekananda Road, Ram Nagar,
Coimbatore-641 009.

4 R.Karpagavalli
No.335 Vivekananda Road,
Ram Nagar, Coimbatore-641 009.

...Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 1st and 2nd respondents to inspect the building which is being constructed by the 3rd and 4th respondents unauthorisedly without any Planning Permit encroaching the property of the petitioner at Door No.332 Vivekananda Road, Ram Nagar, Coimbatore-641 009 and consequently take appropriate measures to demolish the encroached portion of the building over and above the petitioner's property and other actions in accordance with the Town Planning

Rules.

For Petitioner : Mr. T. Ranganathan

For Respondents : Mr. D. Krishnakumar - R1

Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R2

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner, who is claiming to be a neighbour, has come up with this writ petition seeking a direction to the first and second respondents to inspect the building which is being constructed by the 3rd and 4th respondents unauthorisedly without any Planning Permit, encroaching upon his property at Door No.332, Vivekananda Road, Ram Nagar, Coimbatore-641 009 and consequently, take appropriate measures to demolish the encroached portion of the building over and above the petitioner's property.

2. It is the case of the petitioner that he had represented to the first respondent about the aforesaid alleged encroachment on 01.04.2015 and thereafter, on 03.04.2015. However, no action has been taken on the unauthorised construction made by the third and fourth respondents.

3. Be that as it may, the petitioner, making a last representation on 03.04.2015, had chosen to file this writ petition within a period of five days i.e. on 09.4.2015, without giving a reasonable time to the authorities to take action on his representation. Thus, we are not inclined to entertain the writ petition, at this stage.

4. However, since the first respondent is represented through Mr.D.Krishnakumar, learned counsel, we deem it fit and proper to direct the first respondent to take action on the petitioner's aforestated representations on merits and in accordance with law. Needless to state that all the parties concerned be given an opportunity of hearing before orders are passed on the aforestated representations. The entire exercise shall be completed at the earliest, preferably, within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly.
Consequently, M.P.Nos. 1 & 2 of 2015 are closed. No costs.

Sd/-
Assistant Registrar (CS-V)

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Sub Assistant Registrar

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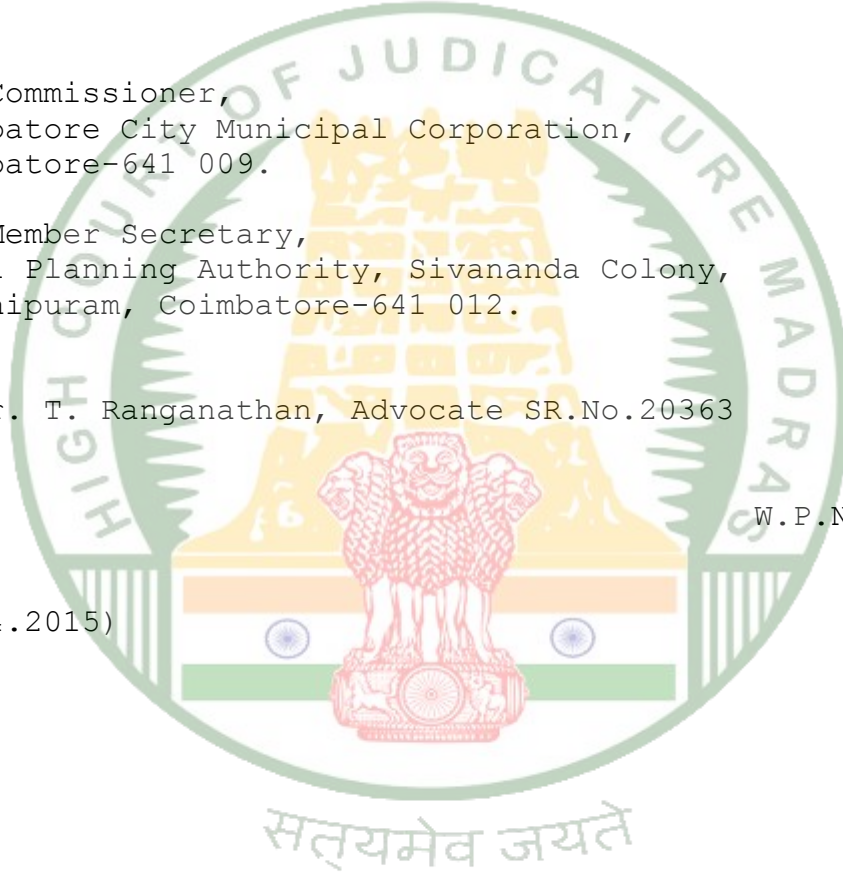
To

- 1 The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 009.
- 2 The Member Secretary,
Local Planning Authority, Sivananda Colony,
Gandhipuram, Coimbatore-641 012.

1 CC to Mr. T. Ranganathan, Advocate SR.No.20363

W.P.No. 10773 of 2015

TM (CO)
PSI (27.04.2015)



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