

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.05.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE S.MANIKUMAR

W.P. No.14154 of 2015
and M.P. Nos.1 and 2 of 2015

1.S.Ashok Kumar
2.R.S.Mani
3.M.Chinnasamy
4.K.Prakash

.... Petitioners

-v-

1.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

2.Tamil Evangelical Lutheran Church,
rep. by its Property Officer
Rev.K.Joseph Kesavarao,
Tranquebar House,
Tiruchirapalli 620 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to remove the unauthorised construction put up by the second respondent in pursuance of stop-construction notice dated 10.04.2015 issued under Ref.C.A.No.26/2015 dated 10.04.2015 under Section 199 and 317 of the Tamil Nadu District Municipalities Act, 1920 in accordance with law within a time frame that may be fixed by this Court.

For Petitioners : Mr.M.Ramesh
For Respondents : Mr.T.N.Rajagopalan,
Spl.G.P. for R1

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

By consent, the writ petition is taken up for final disposal.

2.The writ petition has been filed seeking an order in the nature of Mandamus directing the first respondent to remove the

unauthorised construction put up by the second respondent in pursuance of stop-construction notice dated 10.04.2015, issued under Ref.C.A.No.26/2015 dated 10.04.2015 under Sections 199 and 317 of the Tamil Nadu District Municipalities Act, 1920, in accordance with law, within a time frame that may be fixed by this Court.

3.Learned counsel appearing for the petitioners submitted that the petitioners are tenants in the commercial building. According to the petitioners, the landlord, who is the second respondent herein, has put up an un-authorised construction in the parking space and thereby caused immense hardship to the petitioners.

4.Considering the facts and circumstances of the case, we are of the view that notice dated 10.04.2015, issued by the Pollachi Municipality/first respondent herein to the second respondent for removal of unauthorised construction, which is available at page No.13 of the typed set of papers, which is an independent action taken by the Municipality, based on which, the petitioner cannot approach this Court by way of filing the writ petition. Therefore, we are of the view that this writ petition is liable to be dismissed.

5.Accordingly, this writ petition is dismissed. However, it is open to the petitioners as tenants to approach the appropriate forum seeking remedy, in accordance with law. Consequently, connected M.Ps are also dismissed.

vga

Sd/-
Vacation Officer

//True Copy//

Sub-Assistant Registrar

To

The Commissioner,
Pollachi Municipality, सतयमेव जयते
Pollachi, Coimbatore District.

+ 1 cc to M/s.N.Ramesh, Advocate SR 24921

+ 1 cc to the Govt.Pleader, High Court, Madras SR 24979

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