

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.40019 of 2015

R. Srinivasan

Petitioner

Vs

1 The District Collector - Chairman,
Local Planning Authority (LPA)
Collectorate Building Coimbatore 641 018

2 The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001

3 The Member Secretary
Coimbatore Local Planning Authority (LPA)
Sivananda Colony, Tatabad,
Coimbatore 641 012.

4 K.M.Dhandapani

5 Mrs.Amudha Dhandapani

Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the respondents 1 to 3 herein to initiate action against respondents 4 and 5 under Coimbatore City Municipal Corporation Act to restrain them from proceeding with the construction in Door No. 138 Kalidas Road, Ramnagar, Coimbatore 641 009.

For petitioner Mr.S.V. Jayaraman
Sr. Counsel for
Mr. T. Dhanasekaran

For R1 Mrs. A. Srijayanthi
Spl. Govt. Pleader

For R 2

Mr. K. Magesh

For R 3

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.,)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Magesh, learned counsel, accepts notice for the second respondent. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third respondent. Notice to respondents 4 and 5 is dispensed with, at this stage, as no consequential action shall be taken by the concerned authorities, on the petitioner's representation without notice to them. With the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a direction to the respondents 1 to 3 herein to initiate action against respondents 4 and 5 under Coimbatore City Municipal Corporation Act to restrain them from proceeding with the construction in Door No. 138 Kalidas Road, Ramnagar, Coimbatore 641 009.

3 The petitioner is stated to be the absolute owner of the property situate at Door No. 139, Kalidas Road, Ram Nagar, Coimbatore. Alleging that the respondents 4 and 5 are trying to put up construction on the western side of his property without leaving any open space, which is in violation of the approved plan, the petitioner has sent representations dated 13 August, 2015 and 02 November, 2015 to the respondents 1 to 3 to stop the above said alleged illegal construction. Finding no response from the authorities, the petitioner has come up with this writ petition for a direction to the concerned authorities to take action for removal of the aforestated alleged illegal construction.

4 Considering the scope of the relief sought by the petitioner, without expressing any opinion on the merits of the case, we direct the official respondents to consider the petitioner's representations dated 13 August, 2015 and 02 November, 2015 and pass appropriate orders, on merits and in accordance with law, after proper survey and inspection of the site by a responsible officer and if it is found that there is any illegal construction, as alleged by the petitioner, take necessary action for removal of such illegal construction, after

proper notice to the alleged violators, viz., respondents 4 and 5. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5 This writ petition is disposed of with the above observation and direction. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector - Chairman,
Local Planning Authority (LPA)
Collectorate Building Coimbatore 641 018
- 2 The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001
- 3 The Member Secretary
Coimbatore Local Planning Authority (LPA)
Sivananda Colony, Tatabad,
Coimbatore 641 012.

+1 cc Government Pleader, sr.68836
+1 cc to Mr.T.Dhanasekaran, Advocate, sr.68754
+1 cc to K.Magesh, Advocate, sr.68451

W.P. No.40019 of 2015

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