

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM:

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

W.P. No. 7163 of 2015
and
M.P. No.1 of 2015

M.R. Durairaj

... Petitioner

vs.

1. The Member Secretary
Coimbatore Local Planning Authority
Corporation Commercial Complex
Sivananda Colony
Coimbatore 12
2. The Commissioner
Corporation of Coimbatore
Coimbatore
3. The Town Planning Officer
Coimbatore Town and Country Planning
Coimbatore
4. The Assistant Commissioner
Corporation of Coimbatore
Central Zone, Coimbatore 18
5. The Inspector of Police (Law & Order)
Rathinapuri Police Station
Coimbatore City

6. Manonmani, W/o.Jagadeesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 4 to take action against the illegal and unauthorised construction put up by the sixth respondent at 85, Tatabad, III Street, Coimbatore, by

taking cognizance of the complaint made by the petitioner on 25.02.2015, at the earliest point of time.

For petitioner : Mr. M. Baskar
For RR 2 to 4 : Mr. J. Sathyanarayana Prasad
For RR 1 & 5 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For R6 : Mr. Gana Vinodhan

ORDER

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

With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal.

2. The instant writ petition is filed by the petitioner, who seems to be aggrieved by a communication on the part of the authorities by permitting the sixth respondent to cause unauthorised construction without proper approval from the authorities concerned.

3. According to the learned counsel for the petitioner, the petitioner has made a representation by way of a complaint dated 25.02.2015 addressed to the third respondent, pointing out the illegal construction put up by the sixth respondent without approval of the Corporation. Despite the fact that almost four months have rolled over since the date of his complaint, no action has been taken by the Corporation. Thus, a direction be issued to the authorities to take action against the sixth respondent, forthwith.

4. Mr. J. Sathyanarayana Prasad, learned counsel for respondents 2 to 4 submits that on examination of the petitioner's complaint dated 25.02.2015 adverting to each and every averment made therein and also after affording a proper opportunity of hearing to the sixth respondent, if it is found that the construction put up by the sixth respondent is unauthorised and without any proper approval, necessary action for removal of the said unauthorised construction shall be taken within a period of four weeks.

5. In view of the above stand of the learned counsel for respondents 2 to 4, nothing survives for adjudication in this writ petition. Needless to state that before taking any action in the matter, the sixth respondent be afforded an opportunity of hearing.

6. The writ petition stands disposed of with the above observations. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Member Secretary
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4. The Assistant Commissioner
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Central Zone, Coimbatore 18
5. The Inspector of Police (Law & Order)
Rathinapuri Police Station
Coimbatore City

+1cc to Mr.V.Nicholas, Advocate, S.R.No.30702
+1cc to M/s.J.Sathya Narayana Prasad, Advocate, S.R.No.30920
+1cc to Mr.M.Baskar, Advocate, S.R.No.30777
+1cc to the Government Pleader, S.R.No.30864

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SVI (CO)
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