

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

W.P. No.11245 of 2016
and
W.M.P.Nos.9760 and 9761 of 2016

K.Ravikumaran

Vs.

... Petitioner

1. The Commissioner,
Coimbatore Corporation,
Coimbatore.
2. The Assistant Commissioner,
Assistant Town and Country Planning
(East) Zone, Coimbatore.
3. Assistant/Junior Planning Officer,
Ward No.57, Coimbatore.
4. Assistant Revenue Officer,
East Zone, Coimbatore.
5. The Commissioner,
Town and Country Planning
Office, Tatabad, Coimbatore.
6. The Chief Engineer, सतयमेव जयते
TNEB, Tatabad, Coimbatore.
7. The Assistant Engineer,
Sowaripalayam, New Scheme Road,
Coimbatore.
8. The District Collector,
Coimbatore.
9. The Secretary,
PSG Co-op. Housing Building Society
Ltd., Avinashi Road,
Peelamedu, Coimbatore - 4.

10.The Secretary,
G.V.Residency Kudiyiruppor Nala
Sangam, GV Residency,
Coimbatore.

11.A.N.Balasubramaniam

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing respondents 1 to 5 herein to demolish the unauthorised construction in Site No.86 of GV Residency, Uppilipalayam, Coimbatore.

For Petitioner : Mr.M.Easan

For Respondents : Mr.J.Sathyanarayana Prasad
for R1 to R7
Ms.A.Srijayanthi,
Special Government Pleader for R8
Mr.N.S.Nandakumar for R11
R9 & R10 - Not ready in notice

ORDER

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

With the consent of the learned counsel appearing for the petitioner and the learned counsel for respondents 1 to 7, learned Special Government Pleader for the 8th respondent and the learned counsel for the 11th respondent, the writ petition is taken up for final disposal.

2.Seeking a direction to respondents 1 to 5, to demolish the unauthorised construction in Site No.86 of GV Residency, Uppilipalayam, Coimbatore, the instant writ petition is filed.

3.The brief facts of the case are that the 11th respondent herein is the neighbour of the petitioner and he had been conveyed with a vacant land in Site No.86 on condition that he shall construct a dwelling house within five years from the date of commencement of the title. Suppressing the same, the 11th respondent obtained planning permission in the year 2013 and constructed a building unauthorisedly. Noticing the unauthorised and illegal construction, the petitioner made a representation dated 05 February 2016 to respondents 1 to 10. Since no action is taken, the petitioner has come up with this writ petition.

4. In response to the notice, the first respondent has filed counter affidavit dated 25 April 2016. On perusal of the counter affidavit, it is evident that the 11th respondent has made deviations, for which, a notice under the provisions of Sections 282(1) (2), 296 (1) and (2) of the Coimbatore City Municipal Corporation Act (for short "the Act") dated 09 April 2016 was served on him. Thereafter, as submitted by the learned counsel for the first respondent, confirmation notice has been issued under Section 296(3) of the Act on 25th instant, as no response has been submitted by the petitioner.

5. In the given facts situation, when the Corporation has already initiated process under the provisions of law, we are not inclined to proceed further to dispose of the matter. However, we direct the Corporation to take consequential action as per law and on its own merits, within a period of four weeks.

6. With the aforesaid observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Coimbatore Corporation,
Coimbatore.
2. The Assistant Commissioner,
Assistant Town and Country Planning
(East) Zone, Coimbatore.
3. The Assistant/Junior Planning Officer,
Ward No.57, Coimbatore.
4. The Assistant Revenue Officer,
East Zone, Coimbatore.
5. The Commissioner,
Town and Country Planning
Office, Tatabad, Coimbatore.

6. The Chief Engineer,
TNEB, Tatabad, Coimbatore.
7. The Assistant Engineer,
Sowaripalayam, New Scheme Road,
Coimbatore.
8. The District Collector,
Coimbatore.

+1cc to Mr.M.Easan, Advocate, S.R.No.26444
+1cc to Mr.J.Sathyanarayana Prasad, Advocate, S.R.No.26262
+1cc to Mr.N.S.Nandakumar, Advocate, S.R.No.27850

W.P. No.11245 of 2016

RSY(CO)
CA(05/05/2016)



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