

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

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

W.P.No. 33855 of 2015

and

M.P. No. 1 of 2015

Balasubramaniam Petitioner

Vs.

1. The Commissioner,
Coimbatore South Zone,
Coimbatore Corporation,
Kuniamuthur Wing,
Kuniamuthur, Coimbatore District.

2. The Assistant Engineer,
T.N.E.B., Kuniamuthur,
Coimbatore.

3. M/s. Dhanya Constructions,
rep. By K. Manickavasagam,
Edayarpalayam Road,
Machampalayam,
Sundarapuram Post,
Coimbatore 641 026.

4. Mrs. Deepa .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to remove the unauthorised construction put up by the fourth respondent in S.F.No. 63/2 situated at Kurichi Village, Coimbatore South Taluk, presently within the limits of Coimbatore City Corporation.

For Petitioner : Mr. N. Ramesh

For Respondents : Mr. R. Sivakumar - R1

Mr. S.K. Rameshwar - R2

No Appearance - R3 & R4

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ORDER

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

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2. Despite service of notice, none appeared on behalf of the respondents 3 and 4 nor is there any representation on behalf of them. Thus, with the consent of the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2, this writ petition is taken up for final disposal.

2. Seeking a direction to the first respondent to remove the unauthorised construction put up by the fourth respondent in S.F.No. 63/2 situated at Kurichi Village, Coimbatore South Taluk, the instant writ petition has been filed.

3. Learned counsel for the petitioner fairly submits that the dispute is between the private parties. The fourth respondent is the petitioner's aunt (father's sister) and in respect of the property in question, a civil suit is also pending in O.S.No. 1178 of 2015 on the file of the Sub Court, Coimbatore.

4. In view of the fact that a civil suit being O.S.No. 1178 of 2015, in respect of the property in question, is pending before the Civil Court, no writ petition is maintainable and the petitioner is at liberty to seek appropriate relief in the aforesaid pending suit. However, since the first respondent/ Coimbatore Corporation has initiated action by issuing a notice to the fourth respondent, the first respondent/ Coimbatore Corporation is at liberty to take it to its logical conclusion.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

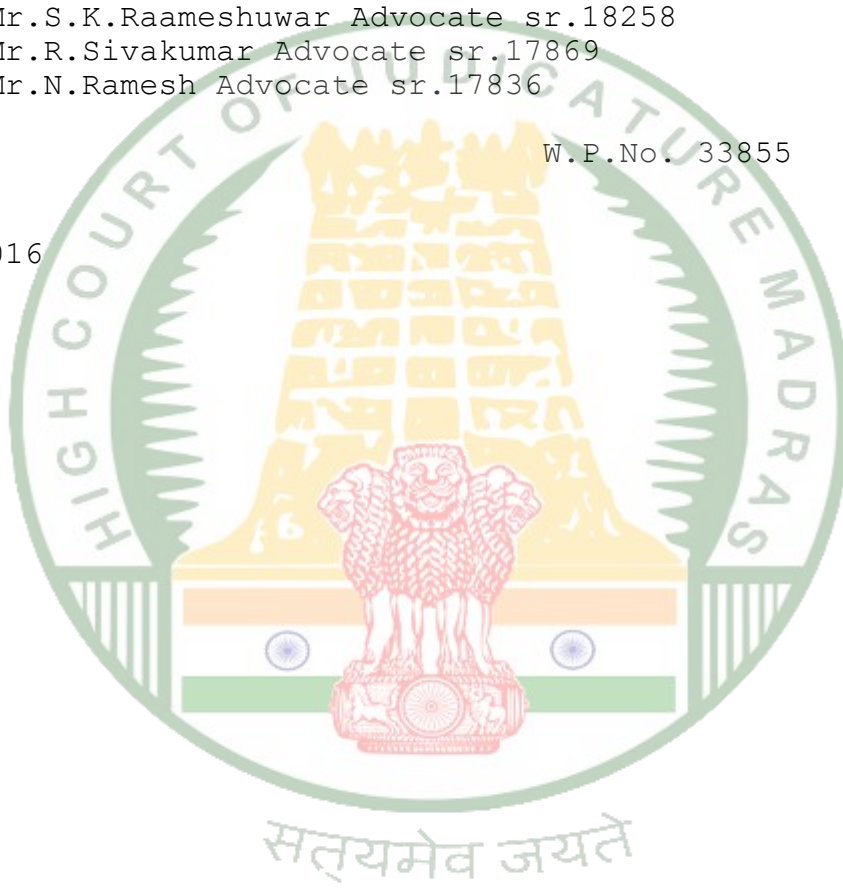
To

1. The Commissioner,
Coimbatore South Zone,
Coimbatore Corporation,
Kuniamuthur Wing,
Kuniamuthur, Coimbatore District.
2. The Assistant Engineer,
T.N.E.B., Kuniamuthur,
Coimbatore.

+1 cc to Mr.S.K.Raameshuwar Advocate sr.18258
+1 cc to Mr.R.Sivakumar Advocate sr.17869
+1 cc to Mr.N.Ramesh Advocate sr.17836

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