

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2016

CORAM

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

W.P. No.35994 of 2015
and
M.P.No.1 of 2015

S.N.V.Garden Youth Welfare Association,
Rep. by its President S.Saravanalingam
Coimbatore 641 036.

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration Water
Supply Department,
St.George Fort, Chennai.

2. The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore - 641 001.

3. The Town Planning Officer,
O/o. Coimbatore Corporation,
Townhall, Coimbatore - 641 001.

4. The Assistant Commissioner of
Corporation (Revenue),
O/o.Coimbatore Corporation,
Big Bazaar, Coimbatore - 641 001.

5. The Assistant Commissioner of
Corporation (East Zone),
Corporation Office,
Singanallur, Trichy Road,
Coimbatore.

6. Ranisamyuktha

7. Venkatraman

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 5 to take necessary action against the unauthorized construction of 6th and 7th respondents' site at No.45, S.N.V Garden, Nanjundapuram Road, Ramanathapuram, Coimbatore in Old Ward No.14, New Ward No.75, East Zone, Coimbatore Corporation by considering the petitioner association's representations dated 14.10.2015 and 29.10.2015 as per the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.R.Shanmugham

For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.R.Sivakumar for R2 to R5
Mr.A.Juhilin Jinu Jebarson
for R6 and R7

ORDER

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

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

2.The petitioner, who is stated to be the President of the Welfare Association of the area in question, has come up with this writ petition, seeking a direction to official respondents 1 to 5 to take action against the unauthorized construction by respondents 6 and 7 at No.45, S.N.V Garden, Nanjundapuram Road, Ramanathapuram, Coimbatore in Old Ward No.14, New Ward No.75, East Zone, Coimbatore Corporation by considering the petitioner association's representations dated 14.10.2015 and 29.10.2015 as per the Tamil Nadu Town and Country Planning Act.

3.Pursuant to the notice, the second respondent has filed the counter affidavit stating as under:

"5.It is further submitted that as per the directions of this Hon'ble Court, site inspection was held on 02.12.2015 and the above deviations and unauthorised constructions were noticed. Immediately a notice dated 02.12.2015 u/s. 296(1) & (2) of Coimbatore City Municipal Corporation Act was issued to the 6th respondent to stop all further constructions and also to show cause why the unauthorised and deviated portions and constructions should not be demolished. Since the reply dated 11.12.2015 was not satisfactory, a further notice dated 11.01.2016 u/s 293(3) of the Coimbatore City

Municipal Corporation Act was also issued, conforming the earlier notice dated 02.12.2015 and she was directed to obey earlier notice.

6.It is further submitted that since the 6th respondent failed to comply with a said notice a lock and seal notice dated 08.03.2016 u/s 56 of Tamil Nadu Town and Country Planning Act was issued directing her to remove the unauthorised portion of the construction within a period of 30 days at her own cost. Further she was also informed that failing which the above premises will be locked and sealed."

4.The time granted under the notice dated 08 March 2016 is 30 days. The 30 days time will come to an end on 07 April 2016 only. In such view of the matter, when the officials respondents have woken up and initiated action, we are not inclined to pass any order at this stage. However, we direct all the official respondents to take consequential action within the specified time, pursuant to the notice dated 08 March 2016 and submit a report to this Court.

5.With the aforestated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

6.Post the matter on 11.04.2016 for reporting compliance.

mmi

18.03.2016

For Reporting Compliance

This matter having been posted on Thursday, the Twenty First day of April, Two Thousand and Sixteen, 'For Reporting Compliance' in pursuance to the Order dated 18.03.2016 and made herein in the presence of the above said counsel of either side, the Court made the following Order:

S.N.V.Garden Youth Welfare
Association, Rep. by its President S.
Saravanalingam, No.44, S.N.V.Garden,
Nanjundapuram Road, Ramanathapuram,
Coimbatore-641 036.

Vs

The Secretary to Government
Municipal Administration Water Supply
Department, St. George Fort, Chennai.
and 6 others.

This matter is listed today 'For reporting Compliance'. The report dated 10 April 2016 is filed, reporting compliance and the same is taken on record. The authorities are further directed to conclude other actions, which are required under the provisions of law, within the statutory period.

mmi

21.04.2016

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration Water
Supply Department,
St.George Fort, Chennai.
 2. The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore - 641 001.
 3. The Town Planning Officer,
O/o. Coimbatore Corporation,
Townhall, Coimbatore - 641 001.
 4. The Assistant Commissioner of
Corporation (Revenue),
O/o.Coimbatore Corporation,
Big Bazaar, Coimbatore - 641 001.
 5. The Assistant Commissioner of
Corporation (East Zone) Corporation Office,
Singanallur, Trichy Road,
Coimbatore.
 6. The Section Officer, Writ Section,
High Court, Madras. (To be listed on 11.4.10)
- + 1 cc to Mr.R.Sivakumar, Advocate Sr 17870
+ 1 cc to Mr.R.Shanmugham, Advocate Sr 24771
+ 1 cc to Mr.A.Juhilin Jinu Jebarson, Advocate Sr 17479
+ 1 cc to The Govt.Pleader, Sr 17587

W.P.No.35994 of 2015

RSI (CO)
KR/24/3/16
CA(04.05.2016)