

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.27929 of 2016

Manonmani

... Petitioner

Versus

1. The Director,
Town and Country Planning
Chengalvarayan Building,
4th Floor, No.807, Anna Salai,
Chennai 600 002.

2.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore 600 012.

3.The Commissioner,
Corporation of Coimbatore,
Coimbatore.

4.The Town Planning Officer,
Coimbatore Town and Country Planning
Coimbatore.

5.The Assistant Commisioner,
Corporation of Coimbatore,
Central Zone, Coimbatore 600018.

6.M.R.Durairaj

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondents 2 and 5 from taking coercive steps in pursuance to the notice dated 25.02.2015 pending disposal of the appeal in Appeal No.23214 of 2015 dated 05.11.2015 on the

file of the 1st respondent.

For Petitioner	: Mr.J.R.Prabakaran for Mr.S.B.Viswanathan
For Respondents	: Mr.T.N.Rajagopalan Spl. Government Pleader for R.1 and R.2 Mr.R.Magesh for R.3 to R.5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The case of the petitioner is that he had purchased the property with the ground floor construction with cemented sheet roof and during rains, the roof was damaged. The petitioner has constructed the RCC roof in order to safeguard the old house. Thus, the neighbour / 6th respondent is stated to have falsely complained against the petitioner.

2. The petitioner states that an appeal was filed on 05.11.2015 before the first respondent, being Appeal No.23214 of 2015, but despite that, endeavour has been made to demolish the house. The petitioner seeks protection during the pendency of the appeal.

3. The aforesaid facts thus show that the case of the petitioner of only constructing the RCC Roof is pending consideration before the appellate authority and to that extent, status quo be maintained till the disposal of the appeal. However, since the own case of the petitioner is that there is no construction existing over the roof, nor has been made by him, if any such construction has been found, then the respondents/authorities are free to proceed against it.

4. The appeal also be disposed of within three months from today.

5. The writ petition accordingly stands dispose of, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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+lcc to Mr.S.B. Viswanathan, Advocate, S.R.No.64811
+lcc to Mr.K. Magesh, Advocate, S.R.No.65124
+lcc to the Government Pleader, S.R.No.64983

sri (CO)
md(28/11/2016)

W.P.No.27929 of 2016

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