

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.43689 of 2016

B.Geetha

.. Petitioner

-vs-

- 1.The District Collector,
Collectorate Building,
Coimbatore-18.
- 2.The Commissioner,
Corporation of Coimbatore,
O/o. The Commissioner,
Coimbatore Corporation,
Coimbatore-641 001.
- 3.The Assistant Commissioner,
(West Zone), Corporation of Coimbatore,
R.S.Puram, Coimbatore-641 002.
- 4.The Member Secretary (incharge),
Coimbatore Local Planning Authority,
Sivananda Colony, Tatabad,
Coimbatore-641 012.

5.K.Dinesh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to take immediate action towards the violation and remove the illegal/unauthorised construction done by the 5th respondent at the scheduled construction/building located at Door No.9, Jayakrishna Layout, Vadavalli Village, Coimbatore.

For Petitioner : Mr.S.V.Pravin Rathinam
For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. for R1

Mr.J.Sathya Narayana Prasad
for R2 & R3

ORDER

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

The petitioner alleges unauthorised construction in a neighbourhood by respondent No.5, who is stated to have constructed ground plus two storied building violating the set back, encroaching on the compound wall of the petitioner and blocking the road with debris and bricks.

2. The learned counsel for the Corporation states that the planning permission was granted for ground plus first floor to the extent of 1900 square feet and though only 1560 square feet have been constructed in ground and first floor, but there are deviations. The deviation notice was issued on 15.3.2016. But it is stated that no action has been taken. The learned counsel submits that action in accordance with law after notice to all concerned will be taken and concluded within a maximum period of two months from today.

3. The learned counsel for the Corporation, however, submits that in so far as the construction of the second and third floors is concerned, it is the fourth respondent/Local Planning Authority, which would have to take necessary action. The learned Special Government Pleader states that necessary action shall be commenced and concluded within a period of two months from today.

4. The aforesaid statement is taken on record.

5. The writ petition, accordingly, stands disposed of. No costs.

6. List for compliance on 24.02.2017. The compliance report be filed three days prior to the next date of hearing.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The District Collector,
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O/o. The Commissioner,
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Coimbatore-641 012.

Copy to:

The Sub Assistant Registrar (Writs),
High Court, Madras.

+1cc to M/s. J. Sathya Narayanan Prasad, Advocate, S.R.No.74403
+1cc to the Government Pleader, S.R.No.74453

RK(CO)
EU 30/12/16

W.P.No.43689 of 2016

सत्यमेव जयते

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