

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5383 of 2017
and W.M.P.No.5713 of 2017

D.Yukesh ... Petitioner

Vs.

- 1 The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat Fort St. George,
Chennai-600 009.
- 2 The Commissioner
Coimbatore Corporation,
Coimbatore.
- 3 The Member Secretary
Local Planning Authority
Sivananda Colony
Coimbatore- 641 012. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd and 3rd Respondents from proceeding with further or taking distress or coercive action pursuant to their respective notices i.e. (i) Notice of the 2nd Respondent in Ka.Vi. No.0069/ 2016/ MH2E & Ka. A. No.0133/ 2016/ MH2E dated 02.12.2016 and (ii) Notice of the 3rd Respondent in Na.Ka. No.4862/ 2016/ LPA-2 21.12.2016 till such time of the petitioners statutory appeal dated 15.12.2016 made to the 1st Respondent against the 2nd Respondent Notices in Ka.Vi. No.0069/ 2016/ MH2E & Ka.A. NO.0133/ 2016/ MH2E dated 30.09.2016 is disposed of.

For Petitioner : Mr.S.Rajendiran

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for respondents 1 and 3

Mr.J.Sathyanarayanaprasad
for 2nd respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for respondents 1 and 3. Mr.J.Sathyanarayanaprasad, learned counsel takes notice for the second respondent.

2. Heard the learned counsel for the parties.

3. It is the case of the petitioner that he constructed a residential building after obtaining planning permission from the competent authority. On a complaint made by the neighbor of the petitioner, proceedings were initiated against the petitioner alleging that there are deviations. Against such notice, the petitioner preferred statutory appeal on 15.12.2016 before the Government and the same is pending. Apprehending that the respondents may take coercive action, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 15.12.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within three months from the date of receipt of a copy of this order. Till the disposal of the appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To

1 The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat Fort St. George,
Chennai-600 009.

2 The Commissioner
Coimbatore Corporation,
Coimbatore.

3 The Member Secretary
Local Planning Authority
Sivananda Colony
Coimbatore- 641 012.

+1cc to Mr.Rajendiran, Advocate, S.R.No.13923

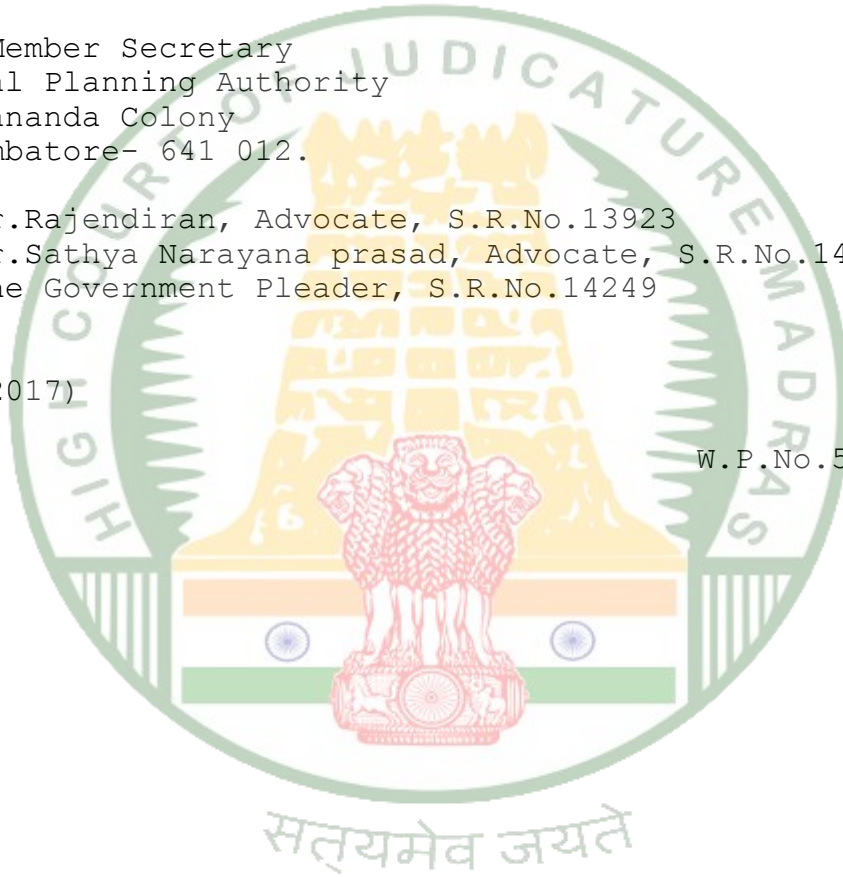
+1cc to Mr.Sathya Narayana prasad, Advocate, S.R.No.14197

+1cc to the Government Pleader, S.R.No.14249

GR(CO)

RS(16/03/2017)

W.P.No.5383 of 2017



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