IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.8534 of 2017
and
W.M.P.No.9321 of 2017

Dr.V.J.Shiva ... Petitioner

Vs

1. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore, Coimbatore District.

2. Assistant Executive Engineer (Planning),
Coimbatore Municipal Corporation,
Coimbatore, Coimbatore District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents from taking action pursuant to the notice issued by the second respondent in No.Ka.Vi.No.176/16/MH1W Ka.A.No.229/16/MH1W dated 31.03.2017 till the disposal of the application dated 05.04.2017 submitted by the petitioner for regularisation of the construction in Plot No.4, Marutha Nagar, Thondamuthur Main Road, Coimbatore - 41, Coimbatore District.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.J.Sathyanarayana Prasad

ORDER

Petitioner has filed the present writ petition, seeking to forbear the respondents from taking action pursuant to the notice issued by the second respondent dated 31.03.2017 till the disposal of his application dated 05.04.2017 for regularisation of construction.

2.By the notice dated 31.03.2017, the petitioner was informed to remove the construction made contrary to the building permission granted. Incidentally, the petitioner was also asked to give a copy of the building permit, if altered.

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3.Learned counsel appearing for the petitioner would submit that the petitioner has given a reply stating that request for regularisation has already been made.

4.The impugned order is not a final order in the sense that the petitioner has been informed that the order passed would be confirmed if he fails to furnish sufficient material in support of his contention. Now, the petitioner has given his reply. Therefore, this Court is of the view that entertaining the writ petition would be premature since the final decision is yet to be taken by the respondents.

5.In such view of the matter, this writ petition stands disposed of by directing the respondents to pass final orders pursuant to the reply said to have been given by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner,
   Coimbatore Municipal Corporation,
   Coimbatore, Coimbatore District.

2. The Assistant Executive Engineer (Planning),
   Coimbatore Municipal Corporation,
   Coimbatore, Coimbatore District.

+1 cc to M/s.J.Sathya narayana Prasad,advocate,sr.21992

+1 cc to M/s.C.S.Associates,sr.21626.

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