

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH
and
THE HON'BLE Mr. JUSTICE M.SUNDAR

W.P.No.6557 of 2017

Nizhalgal Podhu Nala Sangam
rep. by Deputy Secretary

Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Coimbatore District - 641 018.
2. The Commissioner,
Office of the Coimbatore Corporation,
Coimbatore,
Coimbatore District - 641 001.
3. The Member Secretary (Incharge),
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Coimbatore - 641 012.
4. The Director,
Town and Country Planning
Department, Anna Salai,
Chennai - 2.
5. The City Health Officer,
Office of the City Health Officer,
Coimbatore corporation,
Coimbatore - 641 001.
6. The Joint Director,
Fire and Rescue Department,
West Zone, Coimbatore - 641 018.
7. The Director of Public Health
and Preventive Medicine,
DMS Complex, Chennai.

8. The Inspector of Police,
E1 Police Station,
Singanallur, Coimbatore - 641 005.

9. M/s.Bharath Electronics & Appliances
rep. by its Manager .. Respondents

(R9 impleaded vider order dated
30.10.2017 in W.M.P.No.25356 of 2017
in W.P.No.6557 of 2017)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the representation dated 24.12.2016.

For Petitioner : Ms.V.S.Usha Rani

For Respondents : Mr.R.Vijayakumar,
Addl. Govt. Pleader
for R1, R3 to R8
Mr.Sathyanarayana Prasad for R2

ORDER

(Order of the Court was made by M.SUNDAR, J.)

This is a public interest litigation.

2.The subject matter of this writ petition is a construction that is said to have been put up in land comprised in S.F.No.325, Block No.9, T.S.No.5051 in Ward No.36 (AJ), T.S.Nos.50 and 51, Trichy Road, Singanallur, Coimbatore District (hereinafter referred to as 'said land').

3.It is the case of the writ petitioner that construction that has been put up in said land is illegal and that the same has been put up in contravention of Development Control Rules.

4.There is also one other grievance of the petitioner and that is the aforesaid construction in said land has been put up in a place which is very proximate to a burial ground and according to the petitioner, this also amounts to flouting applicable Rules.

5.In the aforesaid circumstances, when the matter last came up before the Division Bench of this Court, the entity, which is alleged to have put up the construction in the said

land was directed to be impleaded. Today, an impleading petition in W.M.P.No.25356 of 2017 has been taken out and the same is being allowed by us by a separate order.

6.Registry is directed to amend the memo of parties suitably.

7.Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 3 to 8.

8.Though we have impleaded the 9th respondent entity, which is alleged to have put up the construction in issue, considering the nature of the order which we propose to pass, we are of the considered view that it is not imperative to issue notice to the 9th respondent.

9.To be noted, the prayer in the writ petition itself is very restricted and absolutely innocuous.

10.The prayer is that a representation dated 24.12.2016 sent by the writ petitioner to the first respondent before us i.e. District Collector has to be disposed of and a mandamus to this effect is required.

11.Mr.Sathyanarayana Prasad, learned standing counsel accepts notice on behalf of the second respondent i.e., Commissioner of Coimbatore Corporation.

12.We make it clear that we do not express any opinion whatsoever on the contents of the representation and the affidavit before us which form part of our narrative supra. The narrative supra has been made only for better understanding of this order.

13.We direct respondents 1 and 2 to dispose of the representation dated 24.12.2016 sent by the petitioner in a manner known to law, after putting on notice all concerned, particularly the 9th respondent in this writ petition, as expeditiously as possible and in any event within a period of eight weeks from the date of receipt of a copy of this order. With regard to 9th respondent, putting on notice will include giving an opportunity to the 9th respondent to put forth its

side of the issue. It is open to respondents 1 and 2 to make a spot inspection, if deemed necessary, after putting all concerned on notice.

14. With the above observation and direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi

To

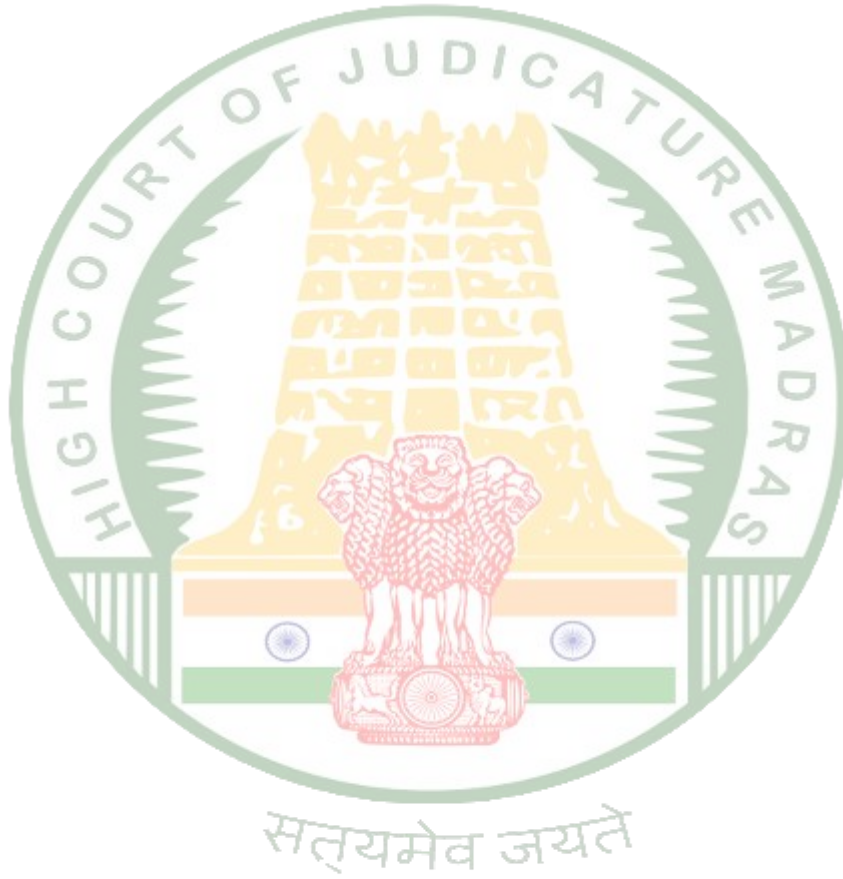
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+1cc to Ms.V.S.Usha Rani, Advocate, S.R.No.76794
+1cc to the Government Pleader, S.R.No. 76935

W.P.No.6557 of 2017

CP(CO)
CS/05/12/17



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