

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM :

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

W.P.Nos.3410 and 3412 of 2014
and
M.P.Nos.1 and 1 of 2014

R.Muralidharan ... Petitioner in WP.3410/2014
R.Venkatachalam ... Petitioner in WP.3412/2014

-Vs-

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Director of Town and Country Planning,
4th Floor, Chengalvarayan Building,
807, Anna Salai,
Chennai 600 002.
3. The Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.
4. The Member Secretary,
Local Planning Authority, Tatabad,
Coimbatore 641 012. ... Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 3rd respondent in order dated 14.08.2013 and quash the same.

For Petitioners : Mr.A.Kannan
for Mr.P.Saravana Sowmiyan

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for RR 1 and 2
: Mr.J.Sathyanarayana Prasad
for R-3
: Mr.P.S.Sivashanmugasundaram
for R-4

O R D E R

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

The Coimbatore Corporation has issued the impugned notice to the petitioners alleging that they have encroached on land meant for a school. The total land so designated is stated to be 37 cents out of which 5 ½ cents is stated to be encroached upon by the petitioners.

2.We find that the notices had been issued under Sections 258 (4) and 441 of the Coimbatore City Municipal Corporation Act, 1981. Learned counsel for the Corporation states that in case the petitioners want to produce some material to substantiate their claim of title as alleged in the petitions, they may do so and on the basis of the same, an appropriate order would be passed.

3.Since none represents the petitioners, we grant fifteen (15) days time from the date of receipt of the order to the petitioners to submit any material in support of their claim before the respondent Corporation and the Corporation would take a call on the same within the maximum period of two (2) months thereafter.

4.Writ petitions are, accordingly, disposed of. No costs. Consequently, M.P.Nos.1 and 1 of 2014 stand closed.

5.After the order is passed, subsequently, the learned counsel for the petitioners appeared and he was apprised of the order.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Director of Town and Country Planning,
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Chennai 600 002.

3. The Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.

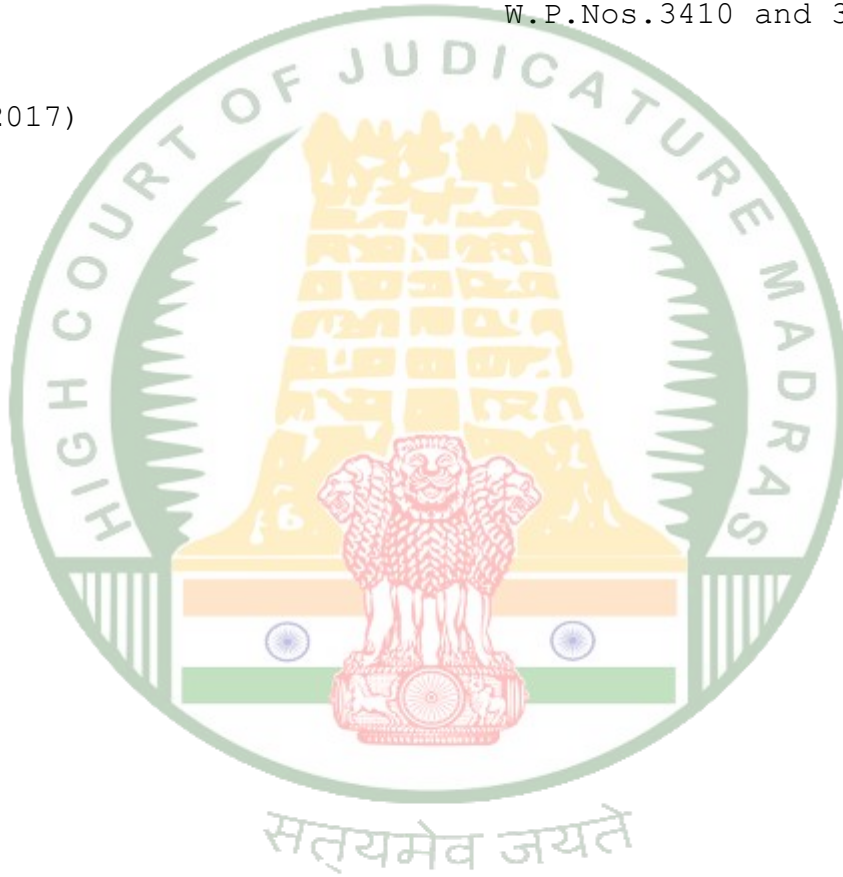
4. The Member Secretary,
Local Planning Authority, Tatabad,
Coimbatore 641 012.

+2cc's to Mr.J.Sathyanarayana Prasad, Advocate, S.R.No.4235

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.4321

W.P.Nos.3410 and 3412 of 2014

UG(CO)
CA(02/02/2017)



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