

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr. JUSTICE M.SUNDAR

W.P.No.15610 of 2017

M/s.InLott E Gaming Services Private Limited,
rep. by its Authorized Signatory
R.Paramasivam,
No.54, Mettupalayam Road,
G.N.Mills Post,
Coimbatore-641 029. ... Petitioner

Vs.

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
2. S.Balasubramaniam ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation dated 09.06.2017 submitted by the petitioner to initiate proceedings against the illegal construction being constructed in the property comprised in Old T.S.No.1/320, New T.S.No.1259, situated at Door No.68 & 69, Kovai Race Course Road, Coimbatore within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Murali

For Respondents : Mr.K.Natarajan for R1

O R D E R

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

By consent, the writ petition is taken up for final disposal. Mr.K.Natarajan, learned counsel accepts notice for respondent No.1.

2. The petitioner claims to be the owner of 5/6th share in the property comprised in Old Ward No.4, New Ward No.6, in Old T.S.No.1/320, New T.S.No.1259, situated at Door No.68 & 69, Kovai Race Course Road, Coimbatore. The grievance expressed by the petitioner is that the second respondent is

having 1/6th undivided share in the said property and is putting up illegal construction without any planning permission whatsoever. In this regard, he submitted a representation dated 09.06.2017 to the first respondent. Though the first respondent received the said representation on 13.06.2017, no order whatsoever has been passed till date. Therefore, the petitioner came forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to Sections 276 and 282 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and would submit that in the light of the said statutory provisions, an obligation is casted upon the first respondent to take appropriate action to stop the illegal construction and demolish the unauthorised construction. In spite of receipt and acknowledgment of the representation, no action has been taken by them. Therefore, the petitioner has constrained to file this writ petition.

4. Mr.K.Natarajan, learned standing counsel appearing for the first respondent would submit that after putting the second respondent on notice, proper action will be taken in accordance with law and the representation submitted by the petitioner will be disposed of at an early date.

5. This Court, taking into consideration of the facts and circumstances of the case and upon considering the rival submissions and without going into the merits of the representation submitted by the petitioner, directs the first respondent to put the second respondent on notice and thereafter, initiate appropriate action as per the provisions of Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the rules framed thereunder and communicate the decision taken, to the petitioner as well as the second respondent within a period of four weeks from the date of receipt of a copy of this order.

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

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-s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

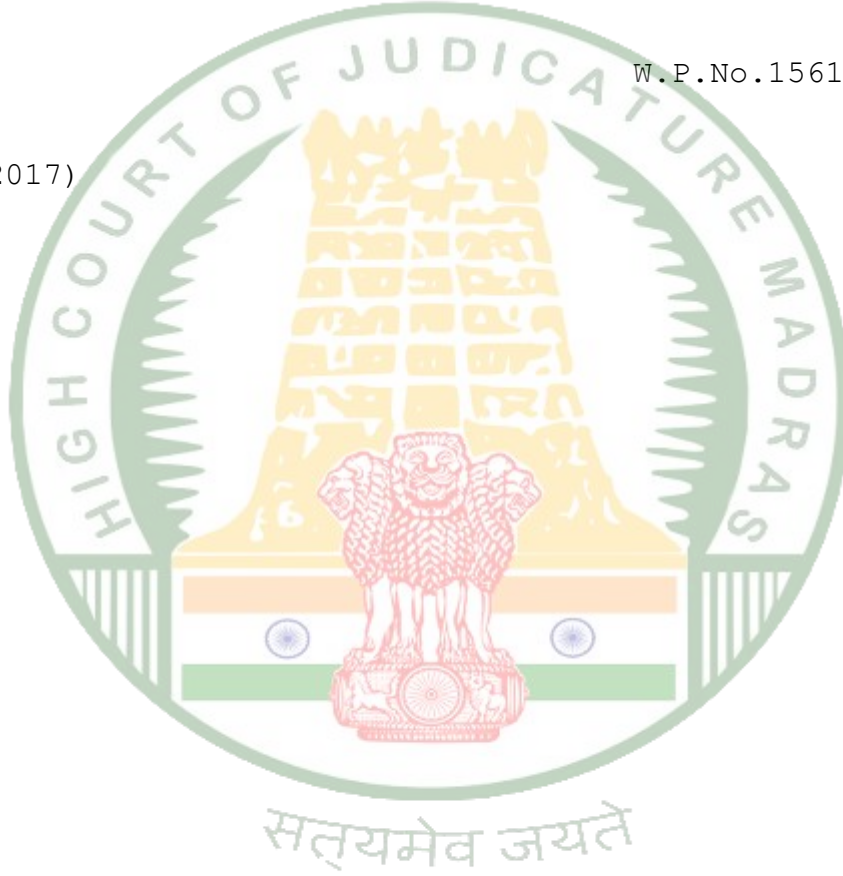
Copy to

2. S. Balasubramanian
S/o Late V. Sivarama Krishna Chettiyar
Door No 69, Race Course Road
Coimbatore 641 018.

+1 CC to Mr.K. Natarajan, Advocate sr 44596
+1 Cc to Govt. Pleader sr 44430
+1 CC to Mr.R. Murali, Advocate sr 44281

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sp(04/07/2017)



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