

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.18810/2017 and WMP.No.20331 of 2017

R.Karpagam

..

Petitioner

Vs

1.The Corporation of Chennai,
Rep. by its Commissioner,
Corporation Buildings,
Town Hall, Coimbatore – 641 001.

2.The Assistant Commissioner (West),
Corporation of Coimbatore,
R.S.Puram, Coimbatore – 641 012.

3. L.Magesh Kumar
4. D.Janarthani

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 and 3 to demolish the building put up in S.F.No.62, Telungupalayam Village, Pappanaicken Pudhu, Coimbatore pursuant to the notice issued by the 2nd respondent in Na.Ka.No.6542/16/H1(64) dated 11.04.2017.

For Petitioner

: Mr.R.Subramanian

For Respondents

: Mr.S.Saravanan

Standing Counsel for R1 & R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.Saravanan, learned standing counsel accepts notice on behalf of the respondents 1 and 2.

2 The learned counsel appearing for the petitioner has drawn the attention of this Court to the affidavit filed in support of this writ petition and would aver among other things that admittedly, the respondents 3 and 4 had encroached upon the lands belonging to Coimbatore City Municipal Corporation at S.F.No.62, Ward No.15, Telungupalayam Village which has been shown as public pathway and started putting up construction unauthorizedly and despite the fact that the 2nd respondent had issued a notice dated 11.04.2017 in Na.Ka.No.6542/2016/H1(w) under Section 258(4) & 441, no further action has been initiated and therefore, the petitioner has filed this writ petition.

3 This Court heard the submissions of learned counsel

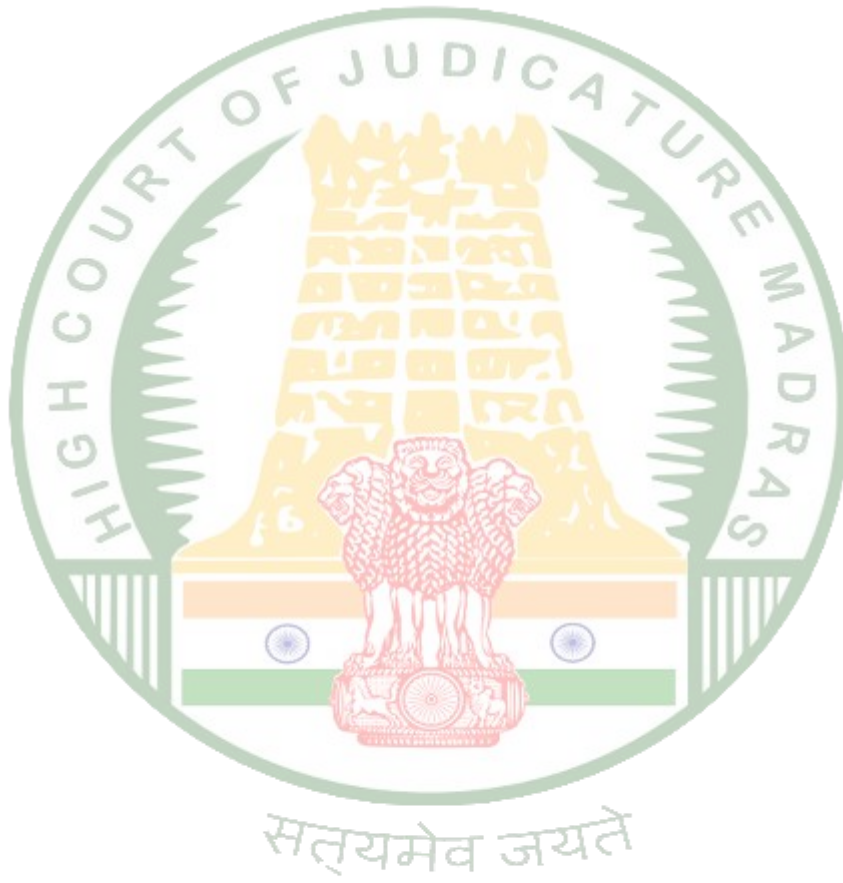
appearing for the petitioner and Mr.Saravanan, learned Standing Counsel appearing for the respondents 1 and 2 and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the respondents 3 and 4 on notice and thereafter, take further action in terms of his earlier communication dated 11.04.2017 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of copy of this order and thereafter communicate the decision taken, to the petitioner as well as to the respondents 3 and 4 herein.

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.N., J.,] [N.S.S., J]
24.07.2017

Index : No
Internet : Yes
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M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
rka

To

- 1.The Commissioner,
Corporation of Chennai,
Corporation Buildings,
Town Hall, Coimbatore – 641 001.
- 2.The Assistant Commissioner (West),
Corporation of Coimbatore,
R.S.Puram, Coimbatore – 641 012.



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