

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM :

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

W.P.No.33909 of 2015
and
M.P.Nos.1 and 2 of 2015

Subbarayalu

... Petitioner

-Vs-

1. The District Collector,
District Collector Office,
Coimbatore 641 018.
2. The Commissioner of Police,
Police Commissioner Compound
Huzur Road, Coimbatore 641 018.
3. The Commissioner,
Corporation of Coimbatore,
Coimbatore 641 001.
4. The Executive Engineer (Planning)
No.29, Bharathipark Road,
Saibaba Colony, Coimbatore 641 025.
5. The Assistant Town Planning Officer,
(AEE Planning) South Zone,
Palakkad Main Road, Kunnamuthur
(Post), Coimbatore 641 008.
6. The Tahsildar,
Coimbatore South,
Coimbatore 641 018.
7. The Inspector of Police,
Podanur, Coimbatore 641 023.

8. V.Savithri

9. Vijayan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare that the proceedings of the 5th respondent initiated pursuant to notice signed on 14.08.2015 affixed to the Schedule mentioned

property on 20.08.2015 under Section 258 (4) and 441 of Coimbatore City Municipal Corporation Act, 1981, on behalf of 3rd respondent as illegal and not maintainable in law and consequentially pass an order directing the 3rd respondent to compensate the petitioner with appropriate damages for the illegal demolition of the compound wall in the schedule property and as entitled by the petitioner under section 258(2) of Coimbatore City Municipal Corporation Act, 1981.

For Petitioner : M/s.Subhashini
for M/s.Chennai Law Associates

For Respondents : Mrs.Vasudha Thiagarajan
Additional Government Pleader
For RR 1, 2, 6 & 7
: Mr.J.Sathya Narayana Prasad
for RR 3 to 5
: No appearance for RR8 and 9

O R D E R

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

The petitioner claims to be a tenant under the party which had developed the area. The petitioner is the owner of an adjacent plot. The petitioner claims that the lease was entered into to protect that property. The document in question purports to be the lease for 15 years at Rs.7,500/- per month. It is insufficiently stamped. It is unregistered. Thus, the document cannot be looked into.

2.Even assuming there was a lease deed, the period was for 15 years which elapsed in 2011. Under the garb of this document, unauthorised construction was made in the form of a wall, which has been demolished by the Corporation.

3.We are surprised at the stand taken by the petitioner, who, on one hand claims to be 75 years old and yet, on the other hand, pleads as if he obtained rights in the property to protect it against persons who are threatening to occupy it.

4.We may note that a suit filed by the petitioner is still pending in which no interim orders were granted.

We find no merit in the writ petition. Writ petition, accordingly, stands dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2015 also stand dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
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Coimbatore 641 018.
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Coimbatore 641 018.
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Podanur, Coimbatore 641 023.

+lcc to Mr.M/s.Chennai Law Associates, Advocate, S.R.No.8452
+lcc to Mr.J.Sathya Narayana Prasad, Advocate, S.R.No.7931
+lcc to the Government Pleader, S.R.No.7854

W.P.No.33909 of 2015

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CA(16/02/2017)

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