

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17401/2017 & WMP.No.18905/2017

Mr.S.Chandrasekar

..

Petitioner

Vs

1.The Secretary to Government  
Ministry of Urban and Housing Development  
Fort St George, Chennai-09.

2.The Inspector General of Registration  
Santhome High Road, Santhome,  
Mylapore, Chennai 600028.

3.The Commissioner  
Coimbatore Corporation  
Coimbatore.

4.S.Mohan Raj

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records of the 3<sup>rd</sup> respondent in Notice No.4822/2017 dated 14.06.2017 and quash the same as illegal.

For Petitioner  
For RR 1 & 2  
For R3

: Mr.S.Thiruvengadam  
: Mr.A.N.Thambidurai, Spl.GP  
: Mr.R.Sivakumar

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.R.Sivakumar, learned Standing Counsel accepts notice on behalf of the 3<sup>rd</sup> respondent.

**2** The petitioner claims that his father, viz., S.Sundarasamy, through a registered Sale Deed bearing Document No.82/2006 registered on the file of the Gandhipuram Sub Registrar Office, Coimbatore, had purchased an approved plot marked as "B" in the plan, admeasuring to an extent of 1560 sq.ft., [3 cents 253 sqft] for valuable consideration and after his demise of his father, the petitioner has succeeded to the said estate. The grievance expressed by the petitioner is that to his shock and surprise, the 3<sup>rd</sup> respondent has issued the impugned notice dated 14.06.2017 under section 258 and 441 of the Coimbatore City Municipal Corporation Act, 1980, calling upon the petitioner to remove the offending construction which was constructed unauthorisedly, failing which appropriate action will be taken.

**3** Mr.S.Thiruvenkadam, learned counsel for the petitioner would submit that even for the sake of argument that the petitioner had purchased the land meant for Open Space Reservation, unless necessary document of conveyance is executed in favour of the Local Body, the father of the petitioner is not in a position to know about the same and admittedly, it is an approved plot and the 3<sup>rd</sup> respondent, without recourse to law, is trying to dispossess the petitioner from the property in question and prays for appropriate orders.

**4** Mr.R.Sivakumar, learned Standing counsel appearing for the 3<sup>rd</sup> respondent would submit that the officials of the 3<sup>rd</sup> respondent are acting strictly in accordance with law.

**5** Heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

**6** The contents of the affidavit filed in support of this writ petition have not indicated as to whether the construction put up by the petitioner is an authorised one or not. However, taking into

consideration of the fact that the father of the petitioner has purchased a plot, in an approved layout, permits the petitioner to respond to the impugned notice in the form of representation along with necessary documents to the 3<sup>rd</sup> respondent within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the 3<sup>rd</sup> respondent, either himself or direct the subordinate officials to afford an opportunity of personal hearing to the petitioner and thereafter, consider and dispose of the petitioner's representation on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and till such time, shall defer further decision in terms of the impugned notice.

**7** 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]

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Index : No

Internet : Yes

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To

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