

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.8042 of 2017

C.V.Soundararajan

.. Petitioner

Vs.

1. The Commissioner,  
Coonoor Municipality,  
Coonoor - 643 102.

2. Sabira Begam  
3. Rabiya  
4. Abdul Hakkim  
5. R.Rajan  
6. Hema SriKumar  
7. S.Easwari  
8. S.Vijaya

... Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the first Respondent from granting building permission to the Respondents 2 to 8 who are owners of the property named KIA ORA situate in R.S. No.568, Coonoor Village from the Coimbatore - Ooty main Road abutting the petitioner's property named Beuna Vista in S.F.No.567 of the same village on account of the lack of proper access to their property.

For Petitioner : Mr.S.Mukunth  
for M/s Sarvabhuauman Asso.

For Respondents : Mr.R.Subburaj for R1  
Mr.D.Baskar for R2 to R8

O R D E R

The writ petition has been filed to forbear the first respondent from granting building permission to the respondents 2 to 8, to put up construction in S.F.No.567 at Coonoor Village from the Coimbatore - Ooty main Road.

2. Earlier when the matter came for hearing, the learned counsel appearing for the respondents 2-8 submitted that even before filing of the writ petition, the building permission was granted to respondents 2 to 8, in the year 2015 itself, and in pursuant to the same they have also put up constructions.

3. Today, the learned counsel appearing for the petitioner submitted that at the time when building permission was granted, the authority has imposed a specific condition that the respondents 2 to 8 have to put up necessary constructions as a precautionary measure to prevent land erosion and that was not done by the respondents 2 to 8.

4. In this writ petition, the petitioner only sought for a direction forbearing the first respondent from granting any building permission to the respondents 2 to 8. Since the building permission has already been granted much earlier before the filing of the writ petition, the prayer sought for in this writ petition cannot be granted now and hence the writ petition is dismissed. However, if the petitioner has got any grievance regarding non-compliance of the conditions attached to the building permission, it is always open to him to approach the concerned authorities for redressal of his grievance. No costs.

Sd/-

Assistant Registrar (CS ix)

//True Copy//

Sub Assistant Registrar

rts/ssr

To

1. The Commissioner,  
Coonoor Municipality,  
Coonoor - 643 102.

+1cc to Mr.P .Mohan Rangan, Advocate SR.No. 62511  
+1cc to M/s Sarvabhuauman Asso. , Advocate SR.No. 62780  
+1cc to Mr.D.BASKAR, Advocate SR.No. 63578

W.P.No.8042 of 2017

ASK(25/10/2018)