

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9414/2018

Noorjehan Muhammed

.. Petitioner

Versus

1.The Commissioner
Corporation of Coimbatore
Coimbatore 61001.

2.The Executive Engineer [Planning]
Corporation of Coimbatore,
Coimbatore 641001.

3.The Assistant Town Planning Officer
Corporation of Coimbatore,
Coimbatore 641001.

4.V.Mohanan

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st and 2nd respondent to consider the petitioner complaints/letters dated 10.04.2017 and 21.04.2017 and to take steps in furtherance of the same.

For Petitioner : Mr.Karthik Sundaram
For RR 1 to 3 : Mr.K.Natarajan

ORDER

[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 Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be the owner of the land and superstructure situate at Door No.27, II Cross Cut Road, Meena Estate, Sowripalayam Post, Coimbatore-641028, comprised in S.Nos.467 and 473, Ramanathapuram Village, Coimbatore Taluk and District. The petitioner would state that adjacent to her house, there is an on-going construction in site No.45 of the said Street and it is being put up by the 4th respondent. The grievance expressed by the petitioner is that the 4th respondent, while putting up the construction, did not follow the relevant norms and also not left any space for setback and the said fact has also been brought to the knowledge of the Member Secretary, Local Planning Authority, Coimbatore, who vide communication dated 03.08.2017 in Na.Ka.No.3626/2017/c/jp/F/2, requested the Assistant Commissioner, East Zone, Coimbatore City Municipal Corporation, Coimbatore, to take

appropriate action and inform the same to his office.

3 The learned counsel for the petitioner would submit that despite such a communication, no action has been taken so far and the 4th respondent is hurriedly proceeding with the construction and in the event of completion of the construction, the easementary rights of the petitioner would be affected and that apart, unauthorised construction cannot go on in violation of the sanctioned plan and prays for appropriate orders.

4 The Court heard the submissions of Mr.K.Natarajan, learned Standing Counsel appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the respondents 2 and 3 to cause a joint inspection of the alleged on going construction being put up by the 4th respondent in site No.45, 2nd Cross Cut Street, Meena Estate, Sowripalayam Post, Coimbatore District as well as the premises of the petitioner herein, at door No.27, 2nd Cross Cut Street, Meena Estate,

M.SATHYANARAYANAN, J.,
AND

P.RAJAMANICKAM, J.,
AP

Sowripalayam Post, Coimbatore District, within period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law with regard to the alleged violation/deviation within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

6 The writ petition stands disposed of with the above direction.

No costs.

[MSNJ] [PRMJ]
17.04.2018

Internet : Yes

AP

To

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