

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30141 of 2005

Peelamedu Bharathi Colony Veetumanai
Urimaiyalargal Pothunala Sangam
(Registration No.2000/0307)
East Rotary Community Hall, Bharathi Colony
Peelamedu, Coimbatore - 641 004
Rep.by its Secretary,
Mr.J.Radhakrishnan ...Petitioner

vs

- 1.The Commissioner of Town and Country Planning
807, Anna Salai,
Chennai - 600 002.
- 2.The Commissioner,
Corporation of Coimbatore,
Big Bazaar Street,
Coimbatore - 641 001.
- 3.The District Collector/Chairman
Local Planning Authority,
Collectorate, Coimbatore.
- 4.The Member Secretary/Joint Director,
Local Planning Authority,
Corporation Commercial Complex,
Tatabad, Sivananda Colony
Coimbatore - 641 012.
- 5.The Town Planning Officer,
Corporation of Coimbatore,
Coimbatore - 641 002.
- 6.M/s.Shankar Foundation,
27, Sengupata Street,
Ram Nagar, Coimbatore - 641 009.
Rep.by its Partners:
Mr.Ramani Shankar & Mr.Omkar Shankar

7.Mr.Vetrivel

8.Mr.Ramasamy

9.Subodh Prasanna Shankar

10.Siddarth Gopala Sankar

11.Omkar Vikram Sankar

12.V.Sivasubramania Guhan

13.M.Subramaniam

14.RM.Visalakshi

15.RM.Meenakshi ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from processing and approving the application for plan approval and building permission for high rise buildings in favour of the 6th to 15th respondents with reference to S.F.No.416, 417, 426, 431 of Sowripalayam Village and in Bharathi Colony, Lal Bahadur Colony, Shringar Nagar, Gopal Nagar, Surya Gardens, Shringar Nagar Extension, K.E.N.Layout Coimbatore.

For Petitioner : Mr.M.Sriram

For Respondents: Mr.Akhil Akbar Ali,
Government Advocate for R1, R3 to R5

Mr.R.Sivakumar for R2

Mr.N.L.Rajah, Senior counsel
for M/s.Rajan and Venkatesan for R8

No appearance for R6, R7, R9 to R15

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The relief sought for in this writ petition is to forbear the respondents 1 to 5 from processing and approving the application for plan approval and building permission for high rise buildings in favour of the 6th to 15th respondents with reference to S.F.Nos.416, 417, 426, 431 of Sowripalayam Village and in Bharathi Colony, Lal Bahadur Colony, Shringar Nagar, Gopal Nagar, Surya Gardens, Shringar Nagar Extension, K.E.N.Layout Coimbatore.

2.The learned counsel for the writ petitioner fairly made a submission that for the past about 13 years, no Multi Story building is being constructed in the land in question. In fact, no construction activities are undertaken as of now in respect of the land described in the present writ petition.

3.However, it is made clear that in the event of submitting any proposal for building plan permission, the competent authorities are bound to follow the rules strictly and scrupulously. The competent authorities, while approving the building plan approvals, are bound to follow the rules and even at the time of the construction, the local authorities have to conduct periodical inspections of the buildings and ensure that the builders or the owners construct the building as per the building plan approvals granted by the local authority with reference to the rules.

4.In view of the fact that no construction has been put up in that locality, which is described in the present writ petition, no further consideration is required in respect of the grounds raised in the present writ petition.

5.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Town and Country Planning
807, Anna Salai,
Chennai - 600 002.

2.The Commissioner,
Corporation of Coimbatore,
Big Bazaar Street,
Coimbatore - 641 001.

3.The District Collector/Chairman
Local Planning Authority,
Collectorate, Coimbatore.

4.The Member Secretary/Joint Director,
Local Planning Authority,
Corporation Commercial Complex,
Tatabad, Sivananda Colony
Coimbatore - 641 012.

5.The Town Planning Officer,
Corporation of Coimbatore,
Coimbatore - 641 002.

+1cc to M/S.M.Sriram, Advocate Sr.84251
+1cc to M/s.R.Sivakumar, Advocate Sr.83595

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cnr[co]
srg 28/12/2018



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