

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.9743 of 2018

R.Thimae Gouder .. Petitioner

Versus

1.The Commissioner,
Coimbatore Corporation,
Coimbatore-01.

2.The Thasildhar,
Perur Taluk,
Coimbatore.

3.P.Nataraj .. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 and 2 herein to consider the representation dated 2.2.2018 of the petitioner and remove the encroachment made by the 3rd respondent herein in Sr.No.35/1G, Perur Taluk, Veerakeralam Village, Ward No.19, Coimbatore Corporation.

For Petitioner :Mr.A.Edwinprabakar

For Respondents :Mr.K.Natarajan for R1
Mr.A.N.Thambidurai, Spl GP for R2

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 counsel accepts notice on behalf of the 1st respondent and Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of 2nd respondent.

2. The petitioner would aver that he is a resident of Door No.26, Makaliyamman Kovil Street, Veerakeralam, Coimbatore-641 007 and according to him, the 3rd respondent had put up a superstructure on the public road. In this regard on an earlier occasion, seeking action to remove the same, he filed WP.No.10904 of 2014. This Court vide order dated 20.10.2016, has directed the Tahsildar, Perur Taluk, Coimbatore, to consider and dispose of the petitioner's representation dated 13.03.2014 in accordance with law, after putting the concerned persons on notice and accordingly, the 2nd respondent herein has conducted an enquiry and vide communication dated 10.02.2017 in Na.Ka.No.8992/2016/Aa 1, addressed to the 1st respondent has informed about the encroachment and since the area in question had falls within the jurisdiction of the Corporation of Chennai, directed them to take appropriate action.

3. The learned counsel appearing for the petitioner would submit that the petitioner in this regard has also submitted a representation dated 02.02.2018. The respondents 1 and 2, despite receipt and acknowledgment, no action has taken so far and therefore, the petitioner is constrained to file this writ petition.

4. This Court heard the submission of the learned standing counsel appearing for the 1st respondent and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 2nd respondent.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 1st respondent or the concerned jurisdictional Zonal Officer to cause inspection in the Makaliyamman Kovil Street and find out as to how many unauthorized superstructures and how many encroachment in the said public land are there, after putting the concerned persons on notice. The said exercise has to be completed within eight weeks from the date of receipt of a copy of this order and depending upon the survey and inspection, shall take appropriate action in accordance with law to demolish the unauthorized / deviated construction and also to remove the encroachments within a further period of ten weeks thereafter and communicate the decision in this regard especially to the petitioner and the 3rd respondent and other violators, if any.

6. With the above direction, the writ petition stands disposed of. No costs.

sk

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Coimbatore Corporation,
Coimbatore-01.

2.The Thasildhar,
Perur Taluk,
Coimbatore.

+1cc to Mr.K.Natarajan, Advocate Sr.No.29735

+1cc to Mr.A.Edwinprabakar, Advocate Sr.No.30067

+1cc to Government Pleader Sr.No.30018

sm:9.5.2018

W.P.No.9743 of 2018

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