

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

WP.No.7836 of 2018 and WMP.No.9777 of 2018

P R Vittel

.. Petitioner

Versus

1. The Director,
Tamil Nadu Town and Country Planning Department,
No.807, Annasalai,
Chennai 600 002

2. The Commissioner,
Coimbatore Corporation,
Coimbatore.

3. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Sh

4. The Executive Engineer,
Zone-9, Corporation of Chennai,
No.1, Lake Area, 2nd Street,
Nungambakkam,
Chennai-600 034.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the Respondents 1 to 3 herein to take necessary action against the 4th respondent's illegal construction

put up in the property measuring an extent of 7,373 Sq.ft. comprised in Survey ward No.L-12 Block No.5, T.S.No.71.5, 74/5 situate at Door No.220, Alagesan Road, Coimbatore 641 011, and consequently direct the 4th respondent to stop the work that is being carried on in her property.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.A.N.Thambidurai, Spl GP
Mr.K.Soundarajan for R2 & R4
Mr.S.Prabhu for R3

ORDER

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

By consent, the writ petition is taken up for final disposal.

2. Mr.T.M.Pappaiah, learned Special Government Pleader accepts notice on behalf of respondents 1 and 3 and Mr.Sathyanarayana Prasad, learned counsel accepts notice on behalf of 2nd respondent.

3. The petitioner claims to be the owner of the residential premises bearing door No.219, Alagesan Road, Coimbatore 641 011 and the adjacent property belongs to the 4th respondent admeasuring to an extent of 7373 Sq.ft. in Survey ward No.L-12, Block No.5, T.S.No.71/5, 74/5 and she appears to have obtained a planning permission from the 3rd

respondent and had put up a multi-storeyed building. The grievance expressed by the petitioner is that despite obtaining sanctioned plan, the 4th respondent, in utter deviation of the same, is putting up construction without leaving side set back, parking space, Floor Space Index (FSI) and the said fact has also been brought to the knowledge of the 1st and 3rd respondents vide representation dated 09.02.2018 and in spite of receipt and acknowledgement, no action has been taken so far and however, the constructions is going on a fast phase and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. The learned counsel appearing for the petitioner has invited the attention of this Court to the typed set of documents and would submit that superstructure belong to the petitioner is constructed strictly in accordance with the sanction plan and though, the 4th respondent has obtained the sanction plan, she is putting up the construction in utter violation and deviation of the same and therefore, prays for appropriate action.

5. This Court heard the submission of Mr.T.M.Pappaiah, learned Special Government Pleader for respondents 1 and 3 and Mr.Sathyanarayana Prasad, learned counsel for 2nd respondent and perused the materials placed before it.

6. This Court taking into consideration 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 3rd respondent to put the petitioner and the 4th respondent on notice and cause inspection of the on-going construction in T.S.No.71/5, 74/5 situated at Door No.220, Alagesan Road, Coimbatore 641 011 as well as the superstructure/ building belonging to the petitioner bearing Door No.219, Alagesan Road, Coimbatore within a period of four weeks from the date of receipt of copy of this order and depending upon the result of the said inspection, shall take appropriate action with regard to the deviated / unauthorised construction in accordance with law within a further period of ten weeks thereafter and communicate the decision taken to the petitioner as well as to the 4th respondent herein.

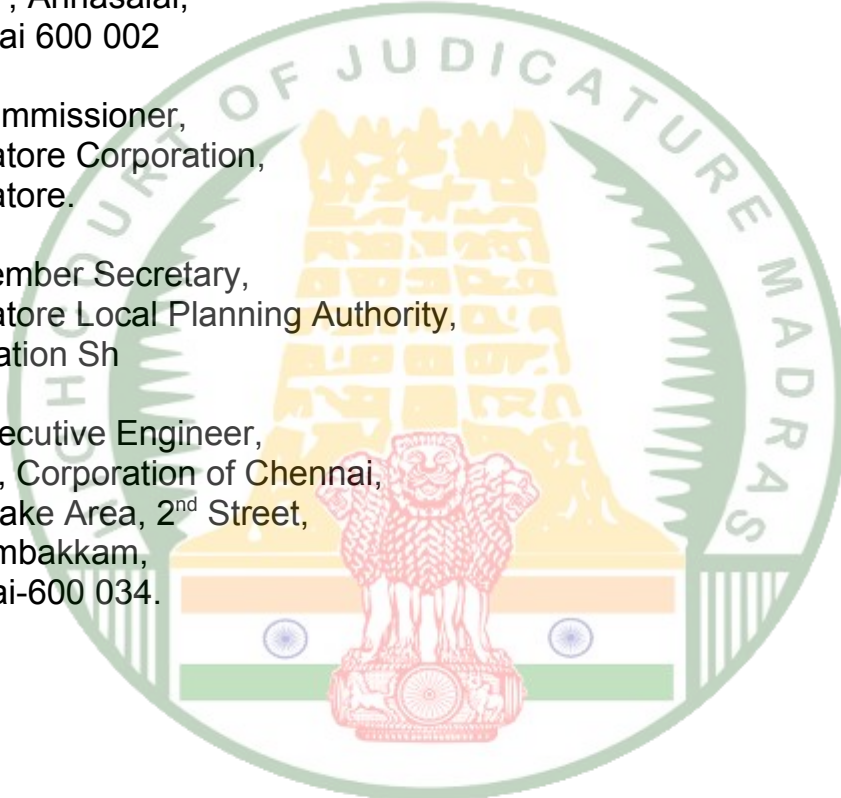
7. The writ petition stands disposed of with the above direction. No costs. Consequently connected miscellaneous petitions are closed.

[M.S.N.,J] [P.R.M., J]
04.04.2018

Internet :Yes
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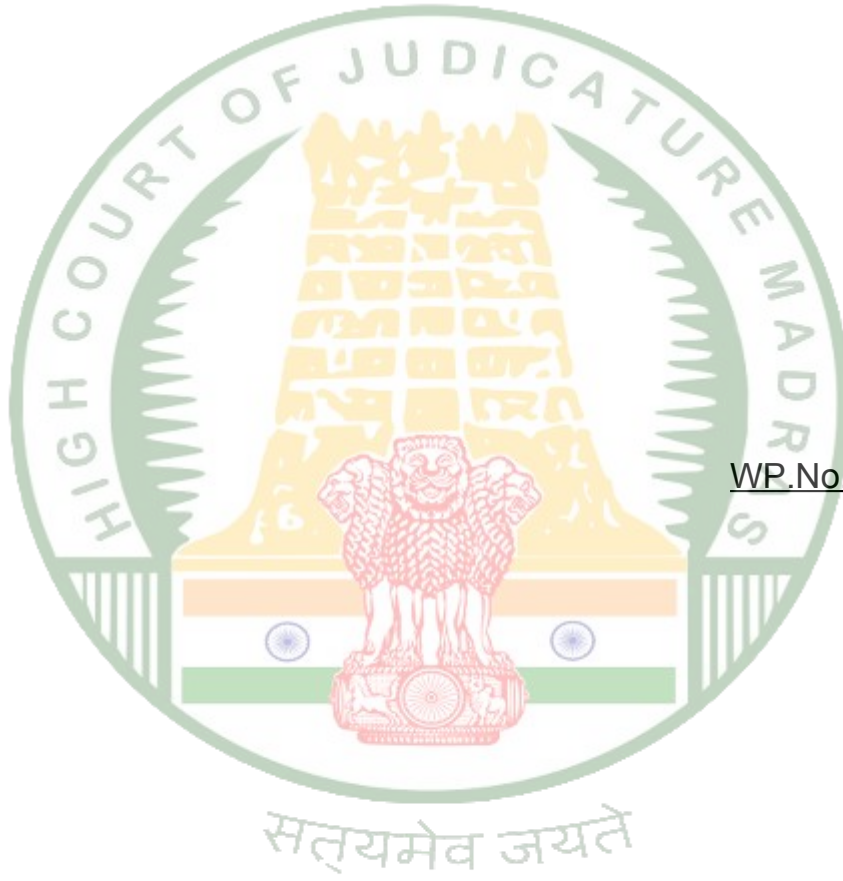
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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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M.SATHYANARAYANAN.,J.
and
P.RAJAMANICKAM.,J.

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