

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.2238 of 2018

S.Somasundaram

...Petitioner

Versus

1. The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.Mr.R.Duraisamy

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation letter dated 15.12.2017 under Section 327 of the Coimbatore Corporation act and further directing the 1st respondent to demolish the petitioner building in Door No.20, (Old No.38 & 39), Father Rendy Road, R.S.Puram, Coimbatore.

For Petitioner : Mr.D.Gopal

For Respondents : Mr.K.Natarajan,
Standing counsel, for R1

O R D E R

This writ petition has been filed seeking for a direction to the first respondent to demolish the building in Door No.20, (Old No.38 & 39), Father Rendy Road, R.S.Puram, Coimbatore, based on the petitioner's representation dated 15.12.2017 and under Section 327 of the Coimbatore Municipal Corporation Act.

2. The case of the petitioner is that his mother Mrs.Konnamal, purchased the property in dispute in the year 1931, vide sale deed No.1631/1931. She had put up a construction in the year 1936, after getting approval from the Coimbatore Municipality. The petitioner further claims that he became the absolute owner of the property through settlement deed dated 19.7.2016.

3.The grievance of the petitioner is that the building is in dilapidated condition, but the first respondent did not take any action despite this facts was brought to his knowledge by the petitioner.

4. Heard Mr.D.Gopal, learned counsel for the petitioner and Mr.K.Natarajan, learned Standing counsel for the first respondent and perused the material documents available on record.

5. In the light of the prayer sought for in this writ petition, this Court without going into the merits of the case, directs the first respondent to take appropriate action on the representation of the petitioner dated 15.12.2017 and pass orders, after providing an opportunity to the petitioner and the second respondent on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

ms
To

The Commissioner,
Coimbatore Corporation,
Coimbatore.

+1 CC to Mr.S. Ramajayam, Advocate sr 7844

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VSN(CO)
SP(23/02/2018)

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