

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12377/2018 & WMP.No.14530/2018

1.M.Karthikeyan
2.S.Sasipriya

Petitioners

Versus

1.The Commissioner
Coimbatore City Municipal Corporation
Corporation of Coimbatore,
Coimbatore 641 030.

2.Mrs.S.Chitra

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to demolish the illegal construction made by the 2nd respondent.

For Petitioner : Mr.P.R.Balasubramanian
For R1 : Mr.K.Magesh

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Magesh, learned counsel accepts notice on behalf of the 1st respondent.

2 The petitioners claim to be the owners of the premises bearing Door No.50, Sakthi Nagar, 3rd Street, Kavundampalayam, Coimbatore-30 and it is the submission of the learned counsel for the petitioner on instructions, that the petitioners have put up the superstructure strictly in accordance with the sanctioned plan without any deviation.

3 The grievance expressed by the petitioners is that the

2nd respondent who is the adjacent plot owner, started putting up a construction without obtaining any planning permission or approval whatsoever and thereby, affecting their easmentary rights of light and air also. The 1st petitioner, in this regard had submitted a representation dated 09.08.2017 to the 1st respondent and in spite of receipt and acknowledgment, no orders have been passed and

therefore, the petitioners are constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.K.Magesh, learned counsel appearing for the 1st respondent and perused the materials placed before it.

5 Though the petitioners have prayed 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 petitioners, permits the petitioners to submit one more detailed representation by enclosing all relevant and authenticated documents as well as photographs to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and upon receipt of such representation, either the 1st respondent or the delegated authority/official shall put the petitioners as well as the 2nd respondent on notice and carry out inspection of the premises bearing Door Nos.50 as well as 52/21, Sakthi Nagar, 3rd Street, Kavundampalayam, Coimbatore-30, within a further period of four weeks thereafter and depending upon the result of such inspection, shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners as well as to the 2nd respondent herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

AP

To

The Commissioner
Coimbatore City Municipal Corporation
Corporation of Coimbatore,
Coimbatore 641 030.

+1cc to Mr.P.S.Balasubramanian, Advocate SR.No.34967
+1cc to Mr.K.Magesh, Advocate SR.No.34792

WP.No.12377/2018

GN(11/06/2018)



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