

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.25959 of 2018

K.Karthikeyan ... Petitioner
Vs.

- 1.The District Collector,
O/o. District Collector,
Coimbatore District,
Coimbatore - 18.
- 2.The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall, Coimbatore.
- 3.The Tahsildar - North,
O/o. North Taluk Office,
Balasundaram Road,
Coimbatore.
- 4.The Inspector of Police - Law and Order,
E2, Peelamedu Police Station,
Avinashi Salai, Peelamedu,
Coimbatore.
- 5.Nalla Palanisamy,
Door No.1, Kovai Estate,
Veeriyampalayam Road,
Kalapatti Post,
Coimbatore - 641 048. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action on the petitioner's representation dated 13.08.2018 and further direct the respondents 1 to 4 to remove the private check posts (or) gates put up by the 5th respondent in the corner of the public Roads in the Kovai Estate Layout, Kalapatti Village, Coimbatore Taluk and District within the time to be stipulated by this Hon'ble Court and thereby restore the said public roads for the use of the general public.

For Petitioner : Mr.C.Neethimozhi

For Respondents : Mr.J.Pothiraj
Special Government Pleader for R1, 3 & 4

Mr.R.Sivakumar for R2

Mr.Mukund for R5

O R D E R

(Order of the Court was made by R.SUBRAMANIAN, J.)

1. The prayer in the writ petition is as follows:-

To issue a Writ of Mandamus directing the respondents 1 to 4 to take action on the petitioner's representation dated 13.08.2018 and further direct the respondents 1 to 4 to remove the private check posts (or) gates put up by the 5th respondent in the corner of the public Roads in the Kovai Estate Layout, Kalapatti Village, Coimbatore Taluk and District within the time to be stipulated by this Hon'ble Court and thereby restore the said public roads for the use of the general public.

2. The grievance of the petitioner is that the 5th respondent has blocked the public roads in an approved layout by erecting gates at the intersection of the layout road with an already existing public road.

3. Upon notice Mr.R.Sivakumar, learned counsel appearing for the 2nd respondent Corporation produced a rough sketch showing the existence of the Gates. Since we found that the gates have been erected on a public road which had vested in the 2nd respondent Corporation, upon approval of the layout in question, we had by our order dated 29.10.2018 after hearing the learned counsel for the 5th respondent directed the District Collector, Coimbatore and the Commissioner, Coimbatore Municipal Corporation, the respondents 1 and 2 in the writ petition to remove the gates forthwith and file a compliance report.

4. Today when the matter was listed for hearing the Commissioner, Coimbatore Municipal Corporation has filed a status report stating that the gates have been removed and appropriate sign boards have been erected mentioning that the layout roads are public roads and no one is entitled to block them by erecting gates or otherwise.

The photographs showing the completion of removal of the

gates has also been filed by the Commissioner. The status report is taken on record.

5. In view of the fact that the respondents have complied with our direction and removed the gates which were blocking the entry of the public roads, the writ petition is disposed of as no further orders are necessary. The Commissioner, Coimbatore Municipal Corporation/ 2nd respondent herein is directed to ensure that no individual erects any obstruction by way of a gate or otherwise over any public street in the municipal area. No costs.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
O/o. District Collector,
Coimbatore District,
Coimbatore - 18.
- 2.The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall, Coimbatore.
- 3.The Tahsildar - North,
O/o. North Taluk Office,
Balasundaram Road,
Coimbatore.
- 4.The Inspector of Police - Law and Order,
E2, Peelamedu Police Station,
Avinashi Salai, Peelamedu,
Coimbatore.

+1cc to Mr.V.Vijaya Raghavan , Advocate SR.No. 75378

+1cc to Mr.R.Sivakumar , Advocate SR.No. 75825

+1 CC TO GOVERNMENT PLEADER SR.NO. 75897

+1cc to M/s.SarvaBhauman, Advocate SR.No. 75563

W.P.No.25959 of 2018

ASK(10/12/2018)