

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.2522 of 2019 and

W.M.P.No.2792 of 2019

S.Jothimani

.. Petitioner

v.

1 The Commissioner
Coimbatore Corporation
Coimbatore - 641 038

2 The Assistant Commissioner
West Zone, Coimbatore Corporation
R.S.Puram, Coimbatore - 641 001.

3 The Assistant Town Planning Officer
Coimbatore - 641 001.

4 J.Augustus Richard

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 take appropriate action against the 4th respondent herein for constructing unauthorized Building in Plot No.11, Maruthu Nagar, K.K.Pudur, Coimbatore - 641 038.

For Petitioner : Mr.L.Mouli

For Respondents: Mr.J.Sathyanarayana Prasad - for R1 to R3

Ms.S.Meena -
for M/s.P.Jesus Moris Ravi for R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.L.Mouli, learned counsel for the petitioner, Mr.J.Sathyanarayana Prasad, learned counsel for the respondent Nos. 1 to 3 and Ms.S.Meena learned counsel for the respondent No.4.

2. The prayer of the petitioner is for a direction to be

issued to the respondents 1 to 3 take appropriate action against the unauthorized construction put up by the respondent No.4 in Plot No.11, Maruthu Nagar, K.K.Pudur, Coimbatore - 641 038.

3. The learned counsel for the respondent Nos. 1 to 3 has filed the counter-affidavit wherein it is stated that the site was inspected on 03.01.2019 by the Assistant Town Planning Officer (ATPO), West Zone of the Corporation and found that the construction was at the basement level and the same is without planning approval by the Corporation. On inspection it was found that the set back area required under the Combined Development and Building Rules is '3' meters and in this case, except in the East, all the other sides it is less than 3 meters, which is in violation of the above mentioned Rules. Hence, immediately action was taken on the next day on 10.01.2019 and notice under section 296(1) and (2) of the Coimbatore City Municipal Corporation Act, 1981 was duly served on the respondent No.4 for the unauthorized construction. It is further stated in the counter that after the above inspection, the respondent No.4 applied for building plan approval on 16.01.2019, vide application No.0082/19/W, which is still pending with the Corporation.

4. Thus, it is seen that the concerned authority is taking necessary action in relation to the unauthorised construction put up by respondent No.4. Hence, no further orders are necessary at this stage and the writ petition is disposed of. No costs. consequently, the connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Commissioner
Coimbatore Corporation
Coimbatore - 641 038

2 The Assistant Commissioner
West Zone
Coimbatore Corporation
R.S.Puram, Coimbatore - 641 001.

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3 The Assistant Town Planning Officer
Coimbatore - 641 001.

+1cc to Mr.L.Mouli, Advocate, S.R.No.35251

+1cc to Mr.J.Sathya Narayana Prasad, Advocate, S.R.No. 35248

W.P.No.2522 of 2019 and
W.M.P.No.2792 of 2019

SJ(CO)
GN(20/05/2019)



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