

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.6545 of 2018 and
W.M.P.Nos.8139 & 8140 of 2018

Dr. N.M. Ramaswamy

.. Petitioner

v.

1 The Commissioner
Corporation of Coimbatore
Coimbatore 641 035

2 R.Nithyakalyani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 1st respondent to immediately exercise power under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act and remove the unauthorized development in the site of the western side adjacent to the petitioner's residence at Muthu Pappu Illam, 13/5A1, First Street, KRG Nagar, Ganapathy, Coimbatore - 641 006.

For Petitioners : Mr.S.Silambanan, Senior Counsel
for Ms.C.Uma

For Respondents :Mr.K.Magesh - for R1
Mr.K.Balasubramanian - for R2

O R D E R

(Order of the Court made by The Hon'ble Chief Justice
and M.DURAI SWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondent No.1 to exercise power under Sections 56 and 57 of the Tamil Nadu Town

and Country Planning Act and remove the unauthorized development in the site of the western side adjacent to the petitioner's residence at Muthu Pappu Illam, 13/5A1, First Street, KRG Nagar, Ganapathy, Coimbatore.

2. It is the case of the petitioner that the respondent No.2 has put up unauthorized construction at 26, 2nd Street, Brindavan Garden, Maniyakaramplayam Road, Ganapathy, Coimbatore without site approval and plan approval from the competent authorities. The petitioner sent several representations to the authorities. Since no action was taken, he has filed the Writ Petition.

3. The respondent No.1, viz., the Commissioner, Coimbatore City Municipal Corporation, has filed a status report dated 20.08.2018 wherein he has stated that the Assistant Executive Engineer (Planning) North Zone, inspected the premises on 06.06.2018 and found that the building under issue is constructed by violating the Building Rules and due notice dated 08.06.2018 was issued to the said party. Further, in furtherance of the notice issued to the respondent No.2 under Section 296 of the Coimbatore City Municipal Corporation Act, 1981, the Corporation has lodged a criminal complaint against her before the Judicial Magistrate Court No.VIII, Coimbatore in S.T.C.No.517 of 2018 and the same is pending. Further, the respondent No.1 has stated that he has also issued notice dated 20.08.2018 to the respondent No.2 under Section 56 (2A) of the Tamil Nadu Town and Country Planning Act, 1971, calling upon her to demolish the said construction within 30 days, failing which, the same will be kept under lock and seal.

4. Since the respondent No.1 has already issued notice under Section 56 (2A) of the Tamil Nadu Town and Country Planning Act, and also lodged a criminal complaint, no further direction need be issued to the respondent No.1. However, the respondent No.1 shall pursue the steps taken so far and proceed in accordance with law.

With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1.The Commissioner
Corporation of Coimbatore
Coimbatore 641 035

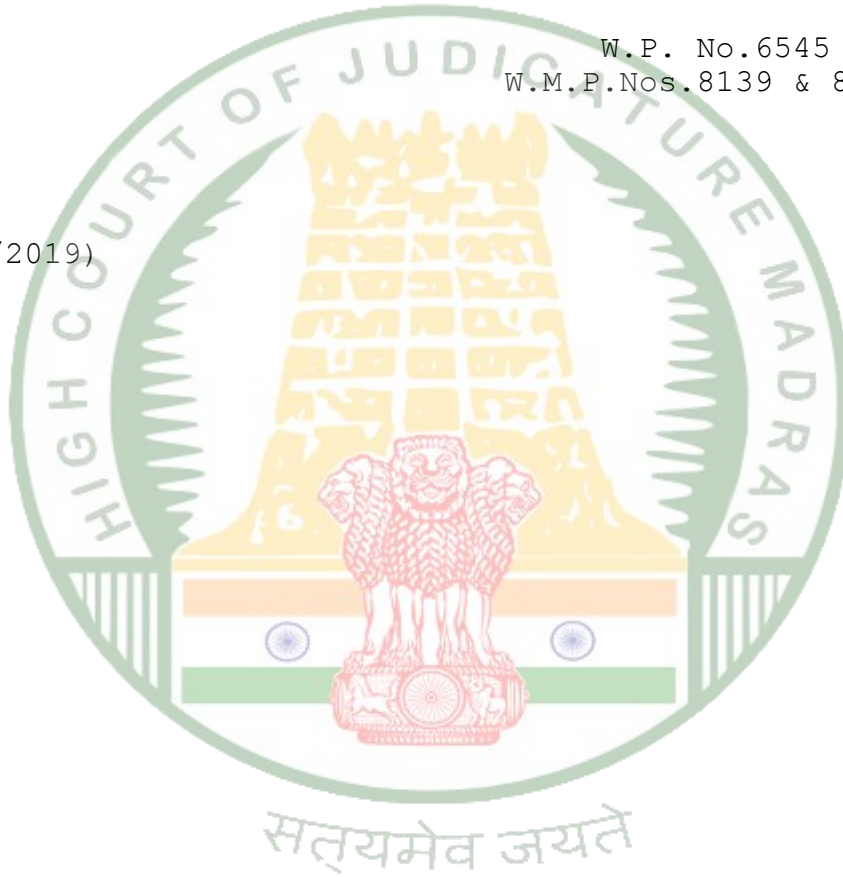
+1cc to Mr.C.Uma, Advocate, S.R.No.9599

+1cc to Mr.K.Magesh, Advocate, S.R.No.9619

+1cc to Mr.K.Balasubramaniam, Advocate, S.R.No.9634

W.P. No.6545 of 2018 and
W.M.P.Nos.8139 & 8140 of 2018

SAI (CO)
GSP (25/02/2019)



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