

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Second day of April Two Thousand Nineteen

PRESENT

THE HON'BLE SMT.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE M.DURAI SWAMY

WMP NO.7978 OF 2019

IN WP.NO.32595 OF 2019

R.MARUTHACHALAM,

[PETITIONER]

Vs

1 THE COMMISSIONER

[RESPONDENTS]

COIMBATORE CITY MUNICIPAL CORPORATION BIG
BAZAAR STREET, COIMBATORE- 641 001

2 THE DISTRICT COLLECTOR

COLLECTORATE CAMPUS, COIMBATORE- 641 018

3 THE ASSISTANT COMMISSIONER

COIMBATORE CORPORATION NORTH REGION

DR.BALASUNDARAM SALAI,

PAPANAICKENPALAYAM,

COIMBATORE- 641 037

4 THE TOWN PLANNING OFFICER

COIMBATORE CORPORATION BIG BAZAAR STREET,

COIMBATORE- 641 001

5 THE ASSISTANT TOWN PLANNING

OFFICER, COIMBATORE CORPORATION NORTH REGION

DR.BALASUNDARAM SALAI, PAPANAICKENPALAYAM,

COIMBATORE- 641 037

6 THE ASSISTANT EXECUTIVE

ENGINEER (PLANNING) COIMBATORE CORPORATION

NORTH REGION DR.BALASUNDARAM SALAI,

PAPANAICKENPALAYAM, COIMBATORE- 641 037

7 R.RATHINASAMY

8 THE ASSISTANT EXECUTIVE ENGINEER,
TANGEDCO, GANESH NAGAR, GANAPATHY,
COIMBATORE.641 006.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 3rd respondent to remove the lock and seal of the premises in question for a period of 20 days commencing from 10.2.2019 or any other date and till 02/03/2019 or to any other date as this Honourable Court may direct to enable the petitioner remove the centering materials lying in the premises in S.F.No.350/1 bearing No.49, Old No.16, New No.34, Vadakku Thottam, Ganapathy Coimbatore, (in WMP.No.7978/19) pending disposal of the above writ petition 32595/17.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.JAYAPRAKASH for M/S.P.DINESH KUMAR, Advocate for the petitioner and of M/S.R.SIVAKUMAR Advocate for the 1, 3, 4, 5 respondents and M/S.V.JAYAPRAKASH NARAYANAN Government Pleader(i/c) for 2nd respondent and M/S.R.BHARATHKUMAR Advocate for 7th respondent and M/S.S.K.RAMESHWAR Standing Counsel for 6 & 8th respondents the court made the following order:-

(Order of the Court was made by M.Duraiswamy, J.)

The petitioner has filed the above writ petition challenging the locking and sealing notice issued under Coimbatore City Municipal Corporation Act, 1981. Now the petitioner has come out with an application to direct the third respondent to remove the lock and seal of the premises in question for a period of 20 days enabling him to remove the centering materials lying in the premises in S.F.No.350/1 bearing No.49, Old No.16, New No.34, Vadakku Thottam, Ganapathy, Coimbatore pending disposal of the writ petition.

2. The learned counsel appearing for the petitioner submitted that since the authorities had locked and sealed the premises, the petitioner is not in a position to remove the centering materials lying in the premises causing hardship to him. Further, the learned counsel submitted that the petitioner may be granted five days time to remove the centering materials from the premises in question.

3. The learned counsel appearing for respondent Nos.1,3,4 and 5/Coimbatore City Municipal Corporation has no objection for granting time for completing the above process.

4. In view of the submissions made by the learned counsel appearing on either side, we permit the petitioner to remove the centering materials lying in the premises in question within a period of five days i.e., from 29.04.2019 to 03.05.2019. The respondent Nos.1,3,4 and 5 are directed to de-seal and de-lock the premises in question on 29.04.2019 at 10.00 A.M. and after removing the materials by the petitioner, lock and seal the premises on 03.05.2019 at 5.30 P.M. We also make it clear that at the time of removing the centering materials from the premises in question, the petitioner and the representatives of the respondents shall be present.

5. The miscellaneous petition is disposed of in the above terms.

-sd/-

22/04/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER,
COIMBATORE CITY MUNICIPAL CORPORATION BIG
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COIMBATORE- 641 018

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TANGEDCO, GANESH NAGAR,
GANAPATHY, COIMBATORE.641 006.

C.C. to M/S.S.K.RAAMESHUWAR Advocate SR.No.5692

C.C. to M/S.R.JAYAPRAKASH Advocate SR.No.5696

Order

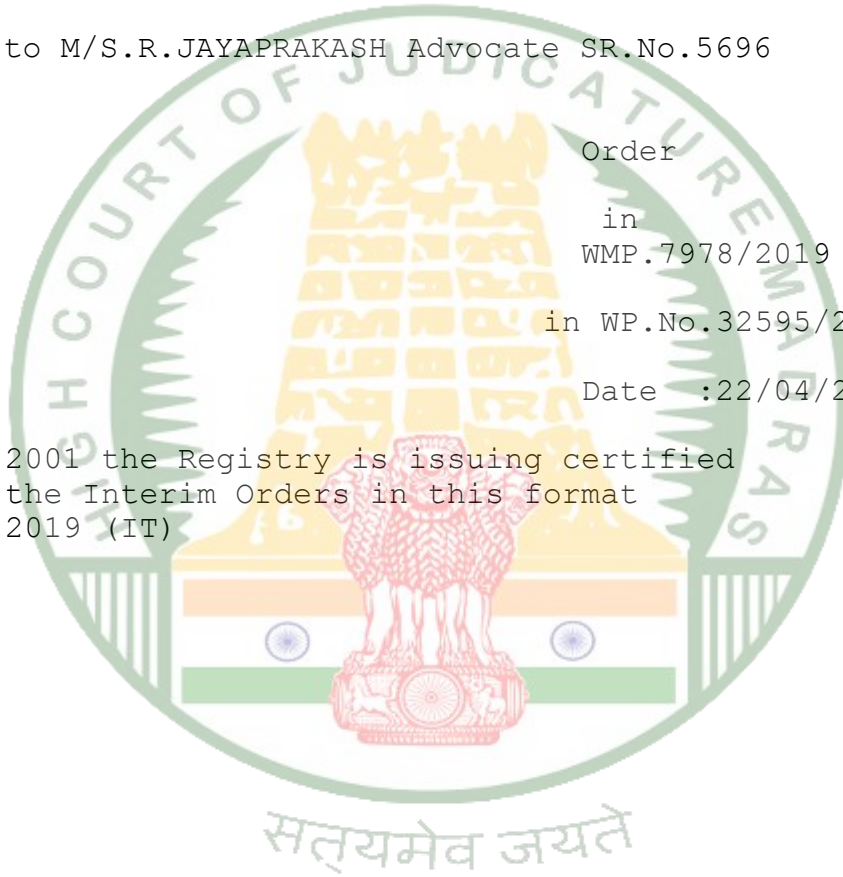
in

WMP.7978/2019

in WP.No.32595/2019

Date :22/04/2019

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