

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.20610 of 2018

K.Viswanathan

.. Petitioner

Vs.

- 1 The Commissioner
Coimbatore East Zone
Coimbatore Corporation
Singanallur, Coimbatore District.
- 2 The Executive Engineer
TANGEDCO
Ondipudur, 21C, Vasantha Nagar
Singanallur, Coimbatore.
- 3 The Town Planning Officer
Coimbatore Corporation
Town Hall
Coimbatore-641 001.
- 4 The Assistant Commissioner
Corporation East Zone
Coimbatore Corporation
Singanallur, Trichy Road
Coimbatore District.
- 5 Kurumbar Kula Deivam
Sri Mahalakshmi Thirukoil Samaya Samooga
Nala Arkattalai, Rep. by its President P.Duraisamy
No.7, Nethaji Street No.1
Sowripalayam, Coimbatore-641 028.
- 6 Shanmugam
Trustee of Kurumbar Kula Deivam
Sri Mahalakshmi Thirukoil Samaya Samooga Nala
Arkattalai, Peelamedu Main Road, Sowripalayam
Coimbatore - 641 028.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 4 to take action to lock, seal and demolish the unauthorized construction in the land bearing T.S.No.29 of Sowripalayam, Coimbatore-28.

For Petitioner : Mr.C.R.Prasanan

For Respondents : Mr.Sivakumar
for respondents 1, 3 and 4
Mr.S.K.Rameshwar
for 2nd respondent
Mr.T.S.Vijayaraghavan
for 6th respondent
No appearance
for 5th respondent

ORDER

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

This writ petition has been filed by the petitioner seeking a writ of mandamus to direct respondents 1 to 4 to take action to lock, seal and demolish the unauthorized construction in the land bearing T.S.No.29 of Sowripalayam, Coimbatore-28.

2. It is the case of the petitioner that the sixth respondent had encroached the land in T.S.No.29 and put up the construction.

3. The first respondent, i.e., the Commissioner, Coimbatore Corporation, filed a counter affidavit, wherein, in paragraph (5), he has stated that an extent of 12 Sq.Mtrs. has been encroached by the petitioner. In support of this averment, the first respondent also produced the sketch in respect of T.S.No.29 prepared by the Town Sub Inspector of Survey, East Zone, Coimbatore Corporation, wherein an extent of 12 Sq.Mtrs. has been specifically mentioned as the land encroached by the petitioner. That apart, the first respondent has also stated that the sixth respondent has also encroached a portion of the land in T.S.No.29. From the counter filed by the first respondent, it is clear that the private respondents as well as the petitioner have encroached the land in T.S.No.29.

4. The learned counsel appearing for the first respondent/ Coimbatore Corporation submitted that they would initiate appropriate action against all encroachers in accordance with law.

5. In view of the submission made by the learned counsel for the first respondent to the effect that the Coimbatore Corporation would take appropriate action for the removal of encroachment in T.S.No.29, we do not find any further direction need be issued to the respondents. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.24224 of 2018 is closed.
sasi

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner
Coimbatore East Zone
Coimbatore Corporation
Singanallur, Coimbatore District.
- 2 The Executive Engineer
TANGEDCO
Ondipudur, 21C, Vasantha Nagar
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- 4 The Assistant Commissioner
Corporation East Zone
Coimbatore Corporation
Singanallur, Trichy Road
Coimbatore District.

+1cc to Mr. R.Sivakumar, Advocate, S.R.No.15390
+1cc to Mr.T.S.Vijaya Raghavan, Advocate, S.R.No.15386
+1cc to Mr.C.R.Prasanan, Advocate, S.R.No.15847

W.P.No.20610 of 2018

Kak(18/03/2019)