

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.14830 of 2019 and

W.M.P.No.14814 of 2019

V.Selvarajan

... Petitioner

Vs.

1.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore - 641 001.

2.The Assistant Commissioner West Zone,
Coimbatore Municipal Corporation,
Coimbatore.

3.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore.

4.Selvakumar

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents 1 & 2 to remove the unauthorized construction of 4th respondent in Plot No.144/1, Maharani Avenue, 1st Part, Vadavalli Post, Coimbatore.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents: Mr.K.Magesh (R1 & R2)

Mr.S.Kamalesh Kannan,
Government Advocate (R3)

Mr.Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates (R4)

O R D E R

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

Heard the learned counsel for the petitioner, the learned counsel for the respondent nos.1 & 2, the learned Government Advocate for respondent no.3 and the learned senior counsel for the respondent no.4.

2.The case of the petitioner is that the respondent no.4 has put up unauthorized construction in Plot No.144/1, Maharani Avenue, 1st Part, Vadavalli Post, Coimbatore. In view of this fact, the petitioner prayed that the said unauthorized construction put up by the 4th respondent be removed.

3.The learned counsel for the respondent no.4 stated that he is not the owner of the property, but his wife is the owner of the property.

4.The learned counsel for the respondent - Corporation tendered an affidavit of the Commissioner, Coimbatore Municipal Corporation, wherein it is stated that after the petitioner's representation dated 20.03.2019 was received, the officials of the Corporation inspected the said building/ construction and it was found that at the said place, the respondent no.4 had carried out some unauthorized construction, which was contrary to the approved plan. Hence, the officials of the Corporation warned the respondent no.4 to rectify the same. There upon, the respondent no.4 submitted another application dated 05.05.2019 to the Corporation, online seeking for rectification of the previous approval and he submitted a new plan copy along with the necessary records and documents. It is further stated in the counter affidavit that after perusing the records and documents produced by the respondent no.4, the Corporation had, as per R.O.C.No.5156/2019/MH1/W, approved the new plan and also granted building license to the respondent no.4 dated 26.06.2019 in BA/0327/2019/MH1/W in BL/0361/2019/MH1/W whereby a period of three years was granted to the wife of the respondent no.4 for completing the said construction work. Subsequently, construction work is being carried out in accordance with the revised plan.

5.From the above facts, no further directions are necessary and hence, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore - 641 001.
- 2.The Assistant Commissioner West Zone,
Coimbatore Municipal Corporation,
Coimbatore.
- 3.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Sivananda Colony,
Coimbatore.

+1cc to the Government Pleader Sr.77404
+1cc to Mr.K.Magesh, Advocate Sr.76330
+1cc to M/s.Father Xavier Associates, Advocate Sr.76271
+1cc to Mr.B.Nedunchezhiyan, Advocate Sr.76941

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W.M.P.No.14814 of 2019

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