

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.23644 of 2019  
and  
W.M.P.No.23471 of 2019

Mr.O.Armugasamy

.. Petitioner

/versus/

1.The Commissioner of Town Planning,  
No.807, Anna Salai, Chennai 600 002.

2.The Commissioner of Corporation,  
Corporation of Coimbatore,  
Coimbatore-1.

3.The Member Secretary,  
Local Planning Committee,  
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition prohibiting the respondents from either sanctioning or approving any plan or permitting anyone to put up any construction for non residential purposes or permitting anyone to carry on any non residential activities over the property comprised in T.S.No.1379/2, 1379/3; 1382, 1383/1,1383/3, 1384, 1385/2 & 1385/3 situated in Tea Estate, Race Course, Coimbatore 641 018 contrary to the sanctioned plan, dated 27.02.1965 issued under Section 17 of the Town Planning Act.

For Petitioner :Mrs.P.Kalpa Reddy

For Respondents :Mr.R.Sivakumar for R2  
Mr.N.Inbanathan, AGP for R1 and R3

O R D E R

The prayer in the writ petition is to issue a Writ of Prohibition prohibiting the respondents from either sanctioning or approving any plan or permitting anyone to put up any

construction for non residential purposes or permitting anyone to carryon any non residential activities over the property comprised in T.S.No.1379/2, 1379/3; 1382, 1383/1,1383/3, 1384, 1385/2 & 1385/3 situated in Tea Estate, Race Course, Coimbatore 641 018 contrary to the sanctioned plan, dated 27.02.1965 issued under Section 17 of the Town Planning Act.

2. The petitioner herein claiming as a public, aggrieved by the construction likely to be utilised as a commercial construction, has preferred this writ petition.

3.This Court, while admitting the writ petition, sought for status report from the respondents 1 and 3. Accordingly, status report is also filed by the learned Additional Government Pleader appearing for the respondents 1 and 3.

4.The learned Additional Government Pleader appearing for respondents 1 and 3 states that the land belongs to one Jayalakshmi Mill and they have put up a temporary construction. Sofar they have not obtained any planning permission to put up permanent structure.

5. Since the petitioner has not impleaded the owner of the building, this Court suggested the learned counsel appearing for the petitioner to implead the owner of the building.

6.The learned counsel appearing for the petitioner is not inclined to implead the owner of the building. According to the learned counsel, it is not necessary to implead the owner of the building.

7. In view of this Court, without impleading the owner of the building, no order can be passed restraining him from utilising his property the manner in which he likes and in accordance with law. Hence, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Town Planning,  
No.807, Anna Salai, Chennai 600 002.

2.The Commissioner of Corporation,  
Corporation of Coimbatore,  
Coimbatore-1.

3.The Member Secretary,  
Local Planning Committee,  
Coimbatore.

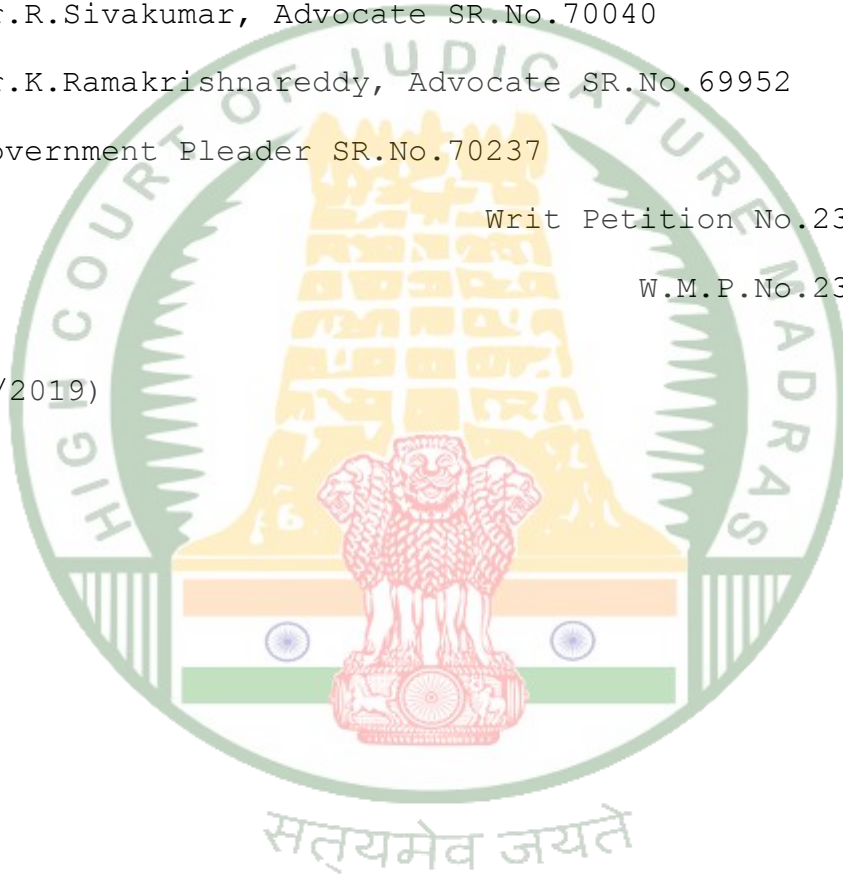
+1cc to Mr.R.Sivakumar, Advocate SR.No.70040

+1cc to Mr.K.Ramakrishnareddy, Advocate SR.No.69952

+1cc to Government Pleader SR.No.70237

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RSV(CO)  
GMY(09/09/2019)



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