



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32975 of 2018
and W.M.P.No.38236 of 2018

K.Ravichandran

.. Petitioner

-vs-

1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai 600 002.

2.The Member Secretary/Local Planning
Authority, Corporation Shopping
Complex, 1st Floor, Raju Naidu Street,
Sivanandha Colony, Coimbatore 641 012.

3.The Assistant Commissioner,
Coimbatore Municipal Corporation,
East Zone, Singanallur, Coimbatore.

4.N.Manikavasagam

5.M.Vanitha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 3 to take action against the respondents 4 and 5 for putting up unauthorized construction of building comprised in survey number: 233 situated at Brindavan Colony No.2, Uppilipalayam village, Coimbatore by considering representation dated 30.9.2018.

For Petitioner	:	Mr.K.Myilsamy
For Respondents	:	Mr.S.Kamalesh Kannan
	:	Govt. Advocate for RR 1 and 2
	:	Mr.K.Natarajan
	:	Standing Counsel for R-3
	:	Mr.S.S.Mathivanan for RR 4 & 5

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O R D E R

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

Heard the learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate, who takes notice on behalf of respondent nos.1 and 2, Mr.K.Natarajan, learned Standing Counsel, who takes notice for respondent no.3 and Mr.S.S.Mathivanan, learned counsel appearing for respondent nos.4 and 5.

2.The petitioner is seeking directions to respondent nos.1 to 3 to take action against the alleged unauthorized construction put up by respondent nos.4 and 5. According to the petitioner, the said unauthorized construction has been put up by way of a building in Survey No.233 situated at Brindavan Colony No.2, Uppilipalayam village, Coimbatore.

3.The learned counsel for respondent no.3, the Commissioner, Coimbatore Municipal Corporation, East Zone, Singanallur, has tendered the affidavit of the third respondent, wherein it is stated that they had visited the property when the construction of the building was under progress and they found that the construction being carried out by respondent nos.4 and 5 was not unauthorised. It is further stated in the said counter affidavit that the construction done by respondent nos 4 and 5 is not illegal and there is no encroachment by respondent nos.4 and 5.

In view of the averments in the counter affidavit of respondent no.3, this writ petition is dismissed. No costs. Consequently, W.M.P.No.38236 of 2019 is also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra



To

WEB COPY

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East Zone, Singanallur, Coimbatore.

+1cc to Mr.S.S.Mathivanan , Advocate SR.No. 61029

+1 cc to Government Pleader Sr.No. 67873

+1cc to Mr.K.Natarajan , Advocate SR.No. 67539

+1cc to Mr.K.Myilsamy , Advocate SR.No. 61141

W.P.No.32975 of 2018

A.SK(13/08/2019)