

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.33830 of 2018

K.Umeshkannan

... Petitioner

vs.

1.The District Collector,
Coimbatore,
Coimbatore District.

2. The Commissioner,
Coimbatore Municipal Corporation,
Town Hall,
Coimbatore District.

3. A.Hamasaveni

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to demolish the old dilapidated building of the 3rd respondent bearing door no. door no.47 to 54 & 213 to 234 stipulated at variety hall road, Head Post Office junction, Coimbatore under Section 327 of Coimbatore City Municipal Corporation Act by considering the representation dated 22.11.2018.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.B.Anand (R1)
Government Advocate
Mr.K.Magesh (R2)
No appearance (R3)

ORDER

This Writ Petition is filed seeking to direct the second respondent to demolish the old dilapidated building of the 3rd respondent bearing door nos.47 to 54 & 213 to 234 stipulated at variety hall road, Head Post Office junction, Coimbatore under Section 327 of Coimbatore City Municipal Corporation Act by considering the representation dated 22.11.2018.

2. According to the learned counsel for the petitioner, the petitioner, being a neighbor of the third respondent made a representation to the second respondent on 22.11.2018, seeking to take action to demolish the old dilapidated building of the third respondent bearing door nos.47 to 54 & 213 to 234 stipulated at variety hall road, Head Post Office junction, Coimbatore under Section 327 of Coimbatore City Municipal Corporation Act. As the same was not considered till date, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3.It is represented by the learned counsel for the petitioner that the private notice has been served to the third respondent.

4. Despite the private notice being served to the third respondent, the third respondent has not chosen to appear before this Court either in person or through counsel.

5. Considering the limited scope of relief sought for in this Writ Petition, without expressing any opinion on the merits of the case, the second respondent is directed to consider the representation of the petitioner dated 22.11.2018, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible not later than twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner as well as the third respondent. The petitioner shall also furnish the copy of the representation to the second respondent, along with the copy of this order.

6. The Writ Petition is disposed of, on the above terms. No order as to costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Coimbatore,
Coimbatore District.

2. The Commissioner,
Coimbatore Municipal Corporation,
Town Hall,
Coimbatore District.

+1 CC to Mr.K.Magesh, Advocate sr 13867.
+1 CC to Mr.K.Myilsamy, Advocate sr 14039.

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PA (CO)
SP (20/03/2019)



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