

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
And
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.3995 of 2019

J.Krishnakumar

... Petitioner

Vs.

1.The State Rep. by its Secretary to Government,
Rural Development and Local Administration,
Fort St.George,
Chennai - 600 009.

2.District Collector,
Coimbatore District,
Coimbatore.

3.The Commissioner,
Pollachi Municipality,
Pollachi.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 18.12.2018 and to remove the illegal constructions/ encroachments made by the commercial complexes in Kamaraj Street, Bharathi Street, Tagore Street, Nehru Street, Round Road and New Scheme Road in Pollachi town within a time limit as stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.G.K.Muthukumar for R1 and R2
Special Government Pleader
Mr.A.S.Thambuswamy for R3

O R D E R

(Order of the Court was delivered by M.M.SUNDRESH,J.)

This is yet another round of litigation initiated by the petitioner towards the alleged encroachments and illegal constructions. Thus the petitioner has filed this writ petition seeking a direction to respondent no.2 to look into the grievance made in the representation dated 18.12.2018 and take action.

2.Placing reliance upon the counter affidavit filed, the learned counsel appearing for respondent no.3 submitted that there is no encroachment as such there abreast to be wide spread un-authorised construction. On the action taken by respondent no.3 the violators have filed appeals which are pending consideration before the Deputy Director of Town and Country Planning, Dr.Nanjappa Road, Coimbatore-18, Coimbatore District.

3.We are not in a position to give a positive order on two counts. Firstly, appeals have been preferred before the Deputy Director of Town and Country Planning, Coimbatore District. Secondly, the violators are not before us. In such view of the matter, we direct the Deputy Director of Town and Country Planning, Coimbatore District, to dispose of the appeals filed by the alleged violators of Mahalingapuram layout in Pollachi Town, within a period of twelve weeks from the date of receipt of a copy of this order. We further direct respondent no.3 to see to it that no such violation takes place in future as we find that such violations have taken place over the years under the eyes of respondent no.3 who has turned blind eye discretionally encouraging such activities to go on. Respondent no.3 is also directed to regulate the parking on the roads situated in Mahalingapuram layout. The petitioner is also given liberty to implead himself as party respondent in the pending proceedings before the Deputy Director of Town and Country Planning, Coimbatore District.

4.The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Rural Development and Local Administration,
Fort St.George,
Chennai - 600 009.

2.District Collector,
Coimbatore District,
Coimbatore.

3.The Commissioner,
Pollachi Municipality,
Pollachi.

Copy to:

The Deputy Director of Town
and Country Planning,
Coimbatore District.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.20570

+1cc to the Government Pleader, S.R.No.21199

W.P.No.3995 of 2019

NR(CO)

CB(31/07/2020)



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