

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 9611 of 2020

Dr.T.M.Gowrisankar

.. Petitioner

vs

The State Rep by the

1.The District Collector- Coimbatore,
Collectorate Office,
No.7/1, SBI Road,
Coimbatore - 108.

2.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore Corporation Office,
Coimbatore - 108.

3.The Assistant Commissioner,
Coimbatore City Municipal Corporation - North Zone,
Dr.Balasundaram Road,
Coimbatore - 108.

4.Noor Mohammed

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing 2nd and 3rd respondent to consider the petitioner's representation dated 02.03.2020 and direct them to take appropriate action against the fourth respondent to stop the unauthorized and illegal construction, at site No.12, Sri Ram Avenue, Near Lakshmana Puram, Pappanaicken Palayam, Coimbatore with immediate effect and conduct necessary enquiry.

For Petitioner

.. Mr.T.Mohan
for Mr.V.S.Senthilkumar

For Respondents

.. Mr.Jayaprakash Narayanan
Government Pleader for R1
Mr.J.Sathyanarayana Prasad
for R2 and R3
Mr.S.N.Ravichandran for R4

ORDER

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

This writ petition has been filed seeking a direction to the respondents to take action pursuant to the representation made by the petitioner on 02.03.2020.

2. Learned counsel appearing for respondents 2 and 3, placing reliance upon the typed set of documents filed, submitted that the lock and seal notice has been issued on 14.08.2020 followed by the rejection order passed under Section 49 of the Town and Country Planning Act, 1971, dated 20.08.2020.

3. Learned counsel appearing for the fourth respondent submitted that as against the notice dated 14.08.2020 issued under Section 56 of the Town and Country Planning Act, an appeal has been filed before the Government.

4. Considering the above, we are of the view that nothing more is to be stated in this writ petition as the second respondent has already taken action. Further more, the petitioner can always implead himself in the appeal said to have been filed by the fourth respondent, if so advised. However, we make it clear that inasmuch as the said appeal itself has been filed against the notice issued under Section 56 of the Town and Country Planning Act, the fourth respondent shall not put up any further construction until and unless appropriate orders are issued by the Government in this regard.

5. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The District Collector- Coimbatore,
Collectorate Office,
No.7/1, SBI Road,
Coimbatore - 108.

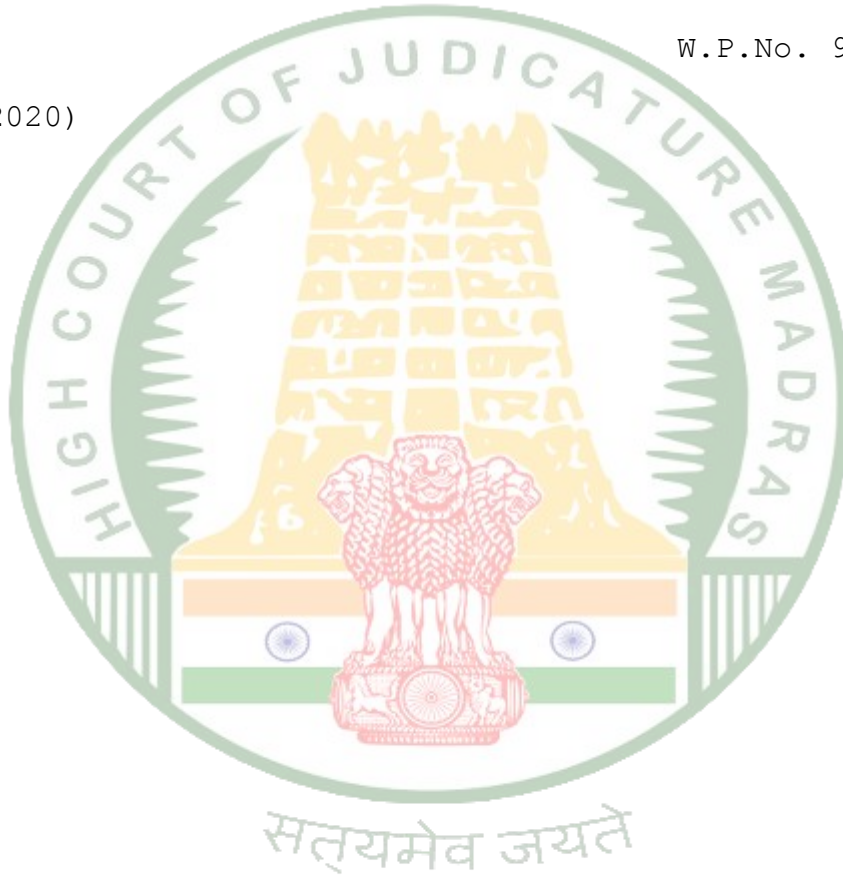
2.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore Corporation Office,
Coimbatore - 108.

3.The Assistant Commissioner,
Coimbatore City Municipal Corporation - North Zone,
Dr.Balasundaram Road,
Coimbatore - 108.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No. 28939

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RSV(CO)
GN(15/10/2020)



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