

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.35397/2019

R.Balakumar

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Petitioner

Versus

1.The District Collector
Office of the District Collector,
Coimbatore.

2.The Director of Town Planning
O/o.The Director of Town Planning
807, Anna Salai, Chennai 600 002.

3.The Zonal Deputy Director,
O/o.The Director of Town Planning
Coimbatore Zone, Coimbatore.

4.M.Marimuthu

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Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondents 1 to 3 to remove the encroachments made in the public road at Bharathiar Street, Singarampalayam, Kinathukkadavu, Coimbatore District.

For Petitioner : Mr.K.Balakrishnan

For Respondents: M.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3.

- (2) The petitioner is a resident of Door No.20, Bharathiyar Street, Singarampalayam, Kinathukkadavu, Coimbatore District and styling this writ petition as a Public Interest Litigation, came forward with the allegation that the 4th respondent herein had encroached upon a public road, viz., Bharathiyar Street, Singarampalayam, Kinathukkadavu, Coimbatore District and caused encroachment. The petitioner, in this regard, had submitted representations dated 10.07.2017, 31.07.2017, 06.08.2018, 25.02.2019 to the official respondents and despite receipt and acknowledgment, no action whatsoever has been taken on those representations and left with no other option, came forward to file this writ petition.
- (3) Heard the submissions of Mr.K.Balakrishnan, learned counsel for the petitioner who has invited the attention of this Court to the acknowledgment given by the office of the 1st respondent as well as the photographs and would submit that in utter violation of the relevant laws, Rules and Regulations, the 4th respondent had encroached upon the public road and put up an additional construction and hence, prays for appropriate orders for removal of the same.
- (4) During the course of arguments, this Court has put a specific query to the learned counsel for the petitioner as to whether the petitioner is not an encroacher and that the superstructure put up by him, is strictly in accordance with the sanctioned plan and it was answered by him by stating that everything has been done strictly in accordance with law.
- (5) The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the Executive Officer, Kinathukkadavu Town Panchayat, Coimbatore District, along with the Tahsildar, Kinathukkadavu, Coimbatore District, to cause inspection of the premises of the 4th respondent as well as the petitioner, after putting them on notice, in the light of the communication of the 1st respondent dated 28.08.2018 in Na.Ka.No.06-2/2018, to find out whether the superstructures put up by the petitioner as well as the 4th respondent, are strictly in accordance with the sanctioned plan and any encroachments have been caused and it is so, shall take appropriate action in accordance with law

as to the alleged deviated / unauthorised superstructure as well as the encroachment by following due process of law and communicate the decision taken, to the petitioner as well as to the 4th respondent. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

(7)The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(JJ Act)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Office of the District Collector,
Coimbatore.
- 2.The Director of Town Planning
O/o.The Director of Town Planning
807, Anna Salai, Chennai 600 002.
- 3.The Zonal Deputy Director,
O/o.The Director of Town Planning
Coimbatore Zone, Coimbatore.

COPY TO:-

- 1.The Tahsildar
Kinathukkadavu Taluk
Coimbatore District.
- 2.The Executive Officer
Kinathukkadavu Town Panchayat
Coimbatore District.

+1cc to Mr.K.Balakrishnan, Advocate SR.3/2020

+1cc to the Government Pleader SR.446

VG-II(CO)
CB(13/02/2020)

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