

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.34926 of 2019  
and

W.M.P.No.35709 of 2019

1. C.R.Subramanian  
S/o.C.S.Ramasamy

2. Lakshmi Sankararaman  
D/o.C.S.Ramasamy

.... Petitioners

Vs

1. The District Collector,  
Collectorate Office,  
Coimbatore - 641 018.

2. The Commissioner,  
Coimbatore City Municipal Corporation,  
Coimbatore - 641 001.

3. The Town Planning Officer,  
Local Planning Authority,  
Corporation Shopping Complex,  
Dr.Nanjappa Road,  
Gopalapuram, Coimbatore - 641 018.

4. The Tahsildar,  
Coimbatore North,  
Dr.Balasundaram Road,  
Gopalapuram, Coimbatore - 641 018.

5. The Commissioner of Police,  
62, Old Post Officer Road,  
Police Commissioner Office,  
Gopalapuram, Coimbatore.

6. Geetha Lakshmi Narayanan  
W/o.Lakshmi Narayanan

7.S.Chinnasamy

8.H.Balasubramanian

9.Venkataraman

10.Vasanthi Sivaraj  
W/o.Dr.Sivaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 5 to remove the illegal encroachments made by respondents 6 to 10 by constructing 'Sri Puthu Vinayagar Temple' situated on the public road viz., 4<sup>th</sup> street, Tatabad, Coimbatore and maintain the public road without any encroachments.

For Petitioner : Mr.D.Ravichander

For Respondents: Mr.E.Balamurugan

Special Government Pleader [R1,R3,R4 & R5]

Mr.K.Magesh [R2]

Mr.Arun Shabari [R6 to R10]

#### O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioners have filed the present Writ Petition seeking issuance of a Writ of Mandamus directing respondents 1 to 5 to remove the illegal encroachments made by respondents 6 to 10 by constructing 'Sri Puthu Vinayagar Temple' situated on the public road viz., 4<sup>th</sup> street, Tatabad, Coimbatore and maintain the public road without any encroachments.

2. Heard learned counsel for petitioners, learned Special Government Pleader appearing for respondents 1, 3, 4 and 5 and learned counsel appearing for other respondents.

3. Though very many contentions have been raised in the Writ Petition, the prayer itself is self-explanatory. Therefore, this Court is not dealing with the averments made in the affidavit filed in support of the Writ Petition.

4. Learned standing counsel appearing for second respondent submits that if respondents 6 to 10 appear before second respondent, the second respondent is ready to conduct enquiry with regard to the allegations made by petitioners and pass appropriate orders on merits and in accordance with law.

5. Considering the said submission, this Court directs the second respondent to conduct an enquiry after issuing notice to

petitioners as well as to respondents 6 to 10. In the event of second respondent coming to the conclusion that there exists any encroachment, second respondent is directed to remove the same. The entire exercise shall be completed within a period of eight weeks from the date of receipt of this order. It is made clear that this Court has not expressed any opinion on the merits of the petitioners' claim. It is for the second respondent to deal with the same.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

s/d-  
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

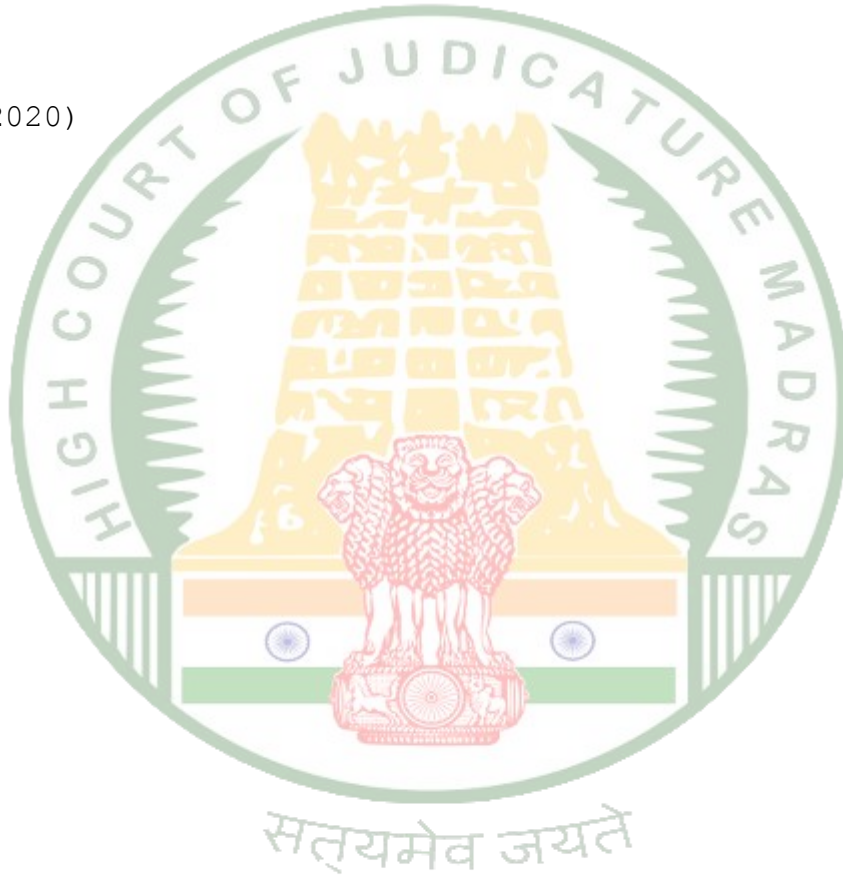
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To

1. The District Collector,  
Collectorate Office,  
Coimbatore - 641 018.
2. The Commissioner,  
Coimbatore City Municipal Corporation,  
Coimbatore - 641 001.
3. The Town Planning Officer,  
Local Planning Authority,  
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Coimbatore - 641 018.
5. The Commissioner of Police,  
62, Old Post Officer Road,  
Police Commissioner Office,  
Gopalapuram, Coimbatore

+1 CC to Mr.D.Ravichander, Advocate sr 11267  
+1 CC to Mr.K.Magesh, Advocate sr 10677  
+1 CC to Govt. Pleader sr 11403.  
+1 CC to Mr.K.R. Arun Shabari, Advocate sr 10646.

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AK (CO)  
SP (20/07/2020)



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