

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.2282/2021 & WMP.No.2574/2021

[Video Conferencing]

S.Sumathy ... Petitioner

Versus

1.The Executive Officer
Periyanaickenpalayam Town Panchayat,
Periyanaickenpalayam
Coimbatore 641 020.

2.The Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore 641 020. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to take action on the representation given by the petitioner dated 12.06.2020 to remove the obstructions and encroachments caused to the residents in the Bharathi Nagar 10th Street, Periyanaickenpalayam, Coimbatore 641020 in accordance with law within a reasonable time as may be prescribed by this Court.

For Petitioner : Mr.A.E.Ravichandran

For R1 : Mr.V.Jayaprakash Narayan
Government Pleader

For R2 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the 1st respondent and Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the 2nd respondent.

(3)The learned counsel for the petitioner, on instructions would submit that the premises bearing Door No.164-A, Bharathy Nagar 10th Street, Vidyalayam, Coimbatore-641020, has been constructed strictly in accordance with the sanctioned plan/permission and the said submission, on instructions, is placed on record.

(4)The learned counsel for the petitioner would submit that the petitioner is a resident of the said place for the past 20 years and more than 300 families are residing and it is a narrow street and on account of hapazard and unregulated parking, it is extremely difficult for the petitioner to have access, especially in case of any emergency for the reason that even Ambulance cannot enter.

(5)The learned counsel for the petitioner has also drawn the attention of this Court to the photographs made available at pages No.14 to 16 of the typed set of documents.

(6)Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the 1st respondent would submit that the area in question would be inspected in coordination with the 2nd respondent and depending upon the result of the inspection, further action would follow in accordance with law.

(7)This Court has carefully considered the rival submissions and also perused the materials placed before it.

(8)In the considered opinion of the Court, the hapazard and unregulated parking is taking place day-by-day and generally, the people lack self-discipline and they normally insist others to follow the law ; but not themselves. In the considered opinion of the Court, in these kind of matters, this Court cannot continuously monitor the matter for the reason that self-discipline should come within and not by means of an order passed by Courts.

(9)This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent, in coordination with the 1st respondent, to cause inspection of Bharathi Nagar 10th Street, Vidyalayam, Coimbatore-641020, and if he notice any hapazard and unregulated parking, shall take immediate, necessary and appropriate action in accordance with law and communicate the decision taken, to the petitioner.

(10)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Executive Officer
Periyanaickenpalayam Town Panchayat,
Periyanaickenpalayam
Coimbatore 641 020.

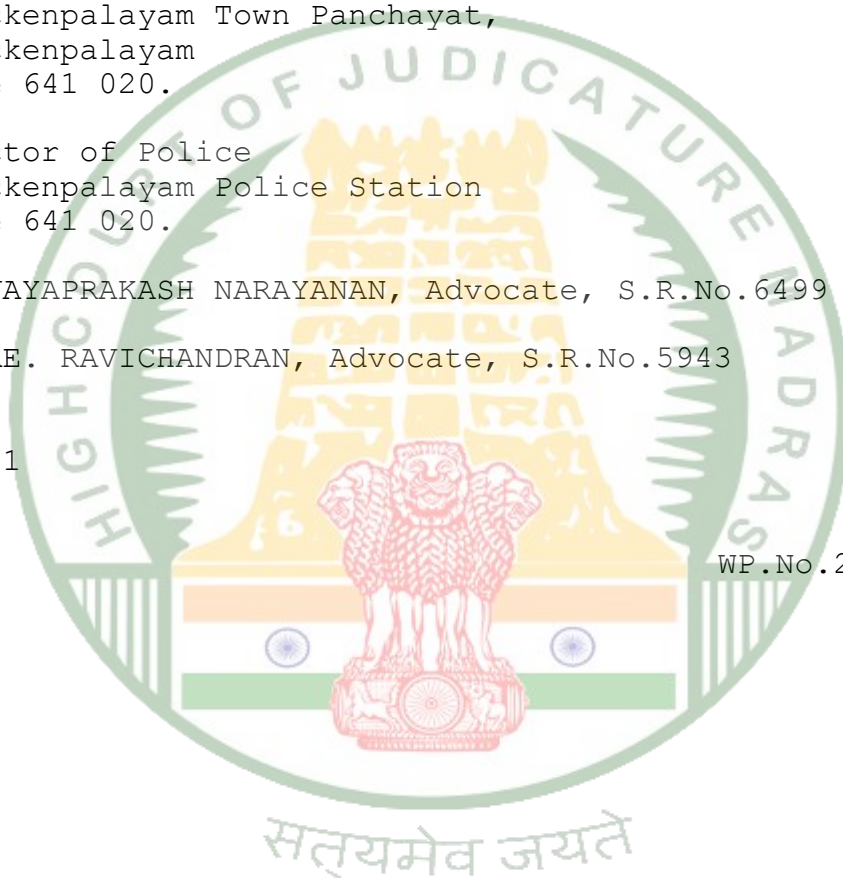
2.The Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore 641 020.

+1cc to Mr.JAYAPRAKASH NARAYANAN, Advocate, S.R.No.6499

+1cc to Mr.AE. RAVICHANDRAN, Advocate, S.R.No.5943

VGII(CO)
SM/17/03/2021

WP.No.2282/2021



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