



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

W.P.No.1140 of 2021
and
W.M.P.No.1273 of 2021

D.Sureshbabu,
S/o.V.Duraisamy

... Petitioner

Vs

- 1.The Additional Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
O/o.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.
- 3.The Assistant Commissioner,
O/o.The Assistant Commissioner,
Coimbatore City Municipal Corporation (East Zone)
Singanallur,
Coimbatore-641 005.
- 4.The Assistant Engineer,
O/o. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Ramanujar Nagar, Uppilipalayam Post,
Coimbatore-641 015.
- 5.Shekhar
- 6.Guru

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 to consider the representation of the petitioner dated 24.12.2020 for necessary action to be taken for removal of unauthorized construction made by the 5th and 6th respondent in No.39, Sakthi Nagar, Vinayagar Koil Street, Uppilipalayam Post, Coimbatore-641 015.



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For Petitioner : Mr.R.Amardeep

For Respondents

For R1 : Mr.M.Elumalai

Additional Government Pleader

For R2 to R4 : Mr.Sivakumar

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The petitioner has come before this Court stating that 5th and 6th respondents who are the owners of the tiled roof house in No.39, Sakthi Nager, Vinayagar Koil Street, Uppilipallayam Post in Ward No.58 are making construction. According to the petitioner those are unauthorised construction. Therefore, the petitioner has given representation on 21.12.2020 and 24.12.2020 to the official respondents 1 to 4 and no action has been taken, which compelled the petitioner to approach this Court.

2. Heard, Mr.Amardeep, learned counsel appearing for the petitioner, and Mr.Siva Kumar, learned counsel appearing for the respondents 2 to 4 and Mr.M.Elumalai, learned Additional Government Pleader appearing for the 1st respondent. Eventhough notice to 5th and 6th respondents were served and their names were printed in the cause list, non represented for 5th and 6th respondents and their counsels.

3. Mr.Sivakumar learned counsel for respondents 2 to 4 would submit that pursuant to the representation given by the petitioner and taking note of unauthorised construction put up by 5th and 6th respondents, stop work notice dated 19.01.2021 has been issued. Thereafter, the private respondents have stopped their construction. Subsequently, it seems that for the past one week the private respondents have been further proceeding with the construction, contrary to the stop work notice and therefore, Mr.Sivakumar, learned counsel appearing on behalf of respondent 2 to 4 gives an undertaking that further construction would be prohibited and the lock and seal order would be given to 5th and 6th respondents and thereafter the respondents proceed in accordance with law.

4. Since, undertaking is given by the learned Standing Counsel for respondents 2 to 4, the said undertaking is recorded. Respondents 2 to 4 are directed to seal the premises and prohibit the private respondents from making further construction as per law.



5. With the above direction the Writ Petitions is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To,

- 1.The Additional Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
O/o.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.
- 3.The Assistant Commissioner,
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O/o. The Assistant Engineeer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Ramanujar Nagar,
Uppilipalayam Post,
Coimbatore-641 015.

+1cc to Mr.R.Selvakumar, Advocate SR.No. 25145

+1cc to Mr.S.Guru, Advocate SR.No. 25172

W.P.No.1140 of 2021

and

W.M.P.No.1273 of 2021

PVS CO
A.SK(18.08.2021)