

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.04.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10114 of 2021

P.Balasubramanian

...Petitioner

-vs-

1.The Commissioner,
Coimbatore Corporation,
Corporation Office,
Town Hall,
Coimbatore - 641 001.

2.S.Angappan

3.S.Maruthachalam

4.S.Arumugam

5.Palaniappan

6.Veluchamy

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to initiate action against the respondents 2 to 6 and remove the encroachment made in the 40 feet public road in S.F.No.229/2 bearing parra No.468 in Ward No. (Old 2 New 32) Vilankurichi village approved in proceedings Ma.Va./Na.U.E.No.615/94 by the Coimbatore Local Planning Authority in the light of the petitioner's representation dated 18.7.2020.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent No.1

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the encroachment of a 40 foot public road in S.F.No.229/2 in Villankurichi Village, Coimbatore District.

2. According to the petitioner, the land was gifted to the first respondent under gift deed of 7th December, 1995. The road in question is used by more than 200 families from nine residential colonies. The private respondents herein have erected a fence in the middle of the road thereby restricting the general public from using the road. In spite of submitting a representation on 17.05.2014 and, once again, on 18.07.2020, it is stated that no action has been taken against the encroachers.

3. Learned State Government Pleader, Mr.V.Jayaprakash Narayanan, accepts notice on behalf of the first respondent Corporation and states that the representation of the petitioner would be disposed of within a specified time frame.

4. Accordingly, without examining the merits of the matter, the first respondent is directed to consider and dispose of the petitioner's representation dated 18th July, 2020 within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all affected persons, including respondents 2 to 6. In view of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear respondents 2 to 6 before passing orders, the writ petition is being disposed of without notice to the said respondents.

5. W.P.No.10114 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

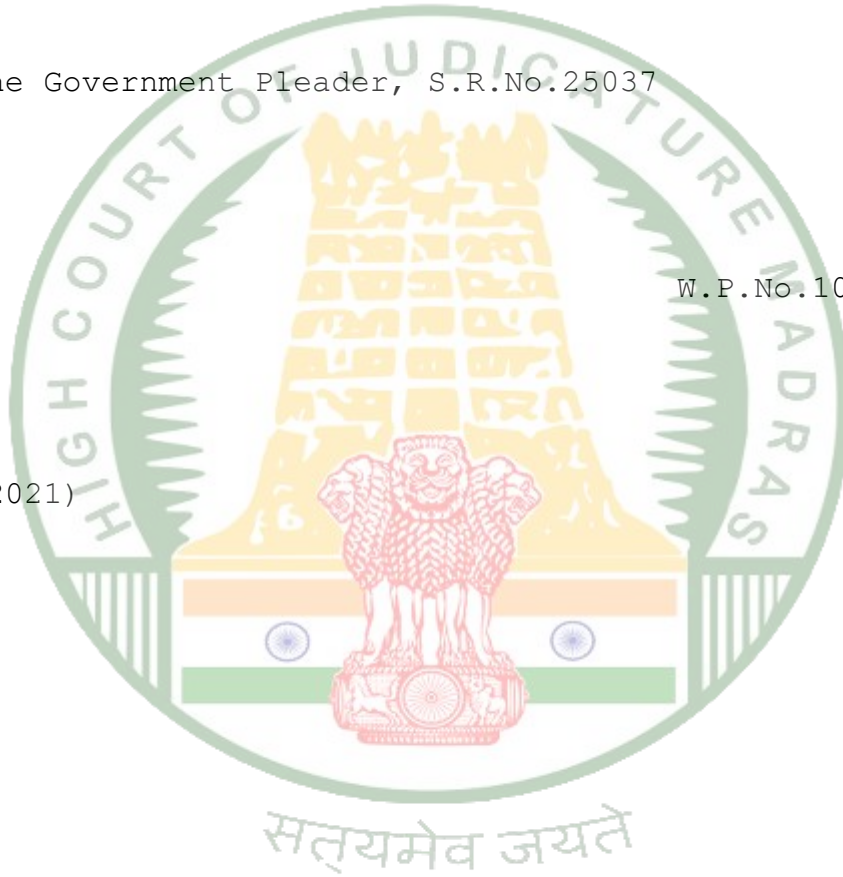
The Commissioner,
Coimbatore Corporation,
Corporation Office,
Town Hall,
Coimbatore - 641 001.

+1cc to Mr.K.S. Karthik Raja, Advocate, S.R.No.24898

+1cc to the Government Pleader, S.R.No.25037

W.P.No.10114 of 2021

PL (CO)
RN (10/06/2021)



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