

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI
W.P.No.9373 of 2021

R.Ravichand

... Petitioner

Vs

1.The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore-641 001.

2.The Member Secretary,
Coimbatore Local Authority Committee,
Coimbatore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to de-seal the petitioner's premises bearing Door No.251, situated at Variety Hall Road, Coimbatore-641 001 pending disposal of the appeal dated 08.05.2019 filed by the petitioner before the 2nd respondent.

For Petitioner : Mr.T.P.Prabakaran
For Respondents : Mr.S.Saravanan

ORDER

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

The petitioner has put up construction in Door No.251, situated at Variety Hall Road, Coimbatore-641 001, ad-measuring 2750 sq.ft. In old S.F.No.120, Old T.S.No.2/116/1, in T.S.NO.237 and 238 in Ward No.(2) B, Block 10 of Maniyan Thottam formerly Edayar Thottam Extension, Coimbatore Town. The said building was constructed in the year 2013, after obtaining planning permission from the Coimbatore Corporation.

2. However the respondents have sealed the premises on the ground that the petitioner constructed 2nd and 3rd floors without obtaining approved plan. In this regard, under Section 10(A) of the Town and Country Planning Act, the petitioner gave representation on 08.05.2019 before the 2nd respondent. Since the said representation has not been disposed, the petitioner has come before this Court.

3. Mr.T.P.Prabakar, learned counsel appearing for the

petitioner and Mr.S.Saravanan, learned counsel appearing for the respondents.

4. Mr.S.Saravanan, learned counsel appearing for the respondents would submit that the appeal filed by the petitioner is placed before the Empowered Committee of the 2nd respondent to take a decision.

5. Taking into consideration the building was constructed in the year 2013 and the petitioner has been using the premises from the year 2013 onwards and the building was sealed on 19.03.2018, and for the past three years, the building is not in use, it is appropriate to direct the 2nd respondent to dispose of the appeal within a period of 8 weeks from the date of receipt of a copy of this order. Till such time, the respondents shall unseal the premises, so as to enable the petitioner to use the premises. The unsealing of the premises is valid only till the disposal of the appeal before the 2nd respondent. If the appeal filed by the petitioner is rejected, the respondents are at liberty to reseat the property.

6. With the above direction the Writ Petitions is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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1.The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore-641 001.

2.The Member Secretary,
Coimbatore Local Authority Committee,
Coimbatore.

+cc to M/s.T.P.Prabakaran, Sr.25799

W.P.No.9373 of 2021

AD(CO)
baf 11/05/2021