



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.12594 of 2021

V. Subburayan

... Petitioner

-vs-

1. The District Collector,
Coimbatore.
2. The Commissioner,
Coimbatore Municipal Corporation,
Bigbazaar, Town Hall,
Coimbatore 641 001.
3. Assistant Commissioner,
Coimbatore Municipal Corporation,
West Zone,
R.S.Puram, Coimbatore 641 002.
4. Jothimani Gopalan

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation dated 27.2.2021 made by the petitioner and to take appropriate action, in respect of the unapproved construction carried out by the 4th respondent, in accordance with law.

For Petitioner : Mr.S. Subramanian

For Respondents : Mr.R.Neelakandan, Govt. Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation dated 27.2.2021 made by the petitioner and to take appropriate action, in respect of the unapproved constructions carried out by the 4th respondent, in accordance with law.



2. The case of the petitioner is that the petitioner is one of the residents of Shri Lalithaambigai Apartment, No.19, Thilagar Street, R.S.Puram, Coimbatore, whereas the 4th respondent owns the westernside adjacent property bearing No.12. While so, on 10.2.2021, the 4th respondent without getting any approval from concerned authorities, began to demolish his property for making unauthorized and unapproved changes which would affect the easementary rights of the petitioner's apartment. Hence, the petitioner sent a representation dated 27.02.2021 to the 3rd respondent. But, no action has been forthcoming till date. In the meanwhile, the 4th respondent has started proceeding with the illegal constructions. Therefore, the petitioner has been advised to come to this Court with the present Writ Petition.

3. Mr.R.Neelakandan, learned Government Pleader, taking notice for the respondents 1 to 3 stated that the issue in this writ petition lies in a narrow compass, a direction may be issued to consider the representation of the petitioner dated 27.02.2021.

4. Considering the limited prayer made in the Writ Petition, we hereby direct the 2nd respondent, namely, the Commissioner, Coimbatore Municipal Corporation, Big Bazaar, Town Hall, Coimbatore, who is the competent authority to consider the representation of the petitioner dated 27.02.2021, after giving reasonable opportunity to the petitioner as well as the 4th respondent and dispose of the same on merits and in accordance with law. Since it appears that the representation was only sent to the 3rd respondent, namely, the Assistant Commissioner, Coimbatore Municipal Corporation, R.S.Puram, Coimbatore, instead to the 2nd respondent, namely, the Commissioner, Coimbatore Municipal Corporation, Big Bazaar, Town Hall, Coimbatore, the petitioner is directed to send a copy of the representation dated 27.02.2021 along with a copy of this Order to the 2nd respondent within a period of one week from the date of receipt of the order copy and on receipt of the same, the 2nd respondent shall dispose of the matter within a period of eight weeks thereafter as stated above.

5. With the above direction and observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore.

2. The Commissioner,
Coimbatore Municipal Corporation,
Bigbazaar, Town Hall,
Coimbatore 641 001.

3. Assistant Commissioner,
Coimbatore Municipal Corporation,
West Zone,
R.S.Puram, Coimbatore 641 002.

+1cc to Mr.R.Subramanian, Advocate, S.R.No. 27761

+1cc to the Government Pleader, S.R.No. 276827

W.P.No.12594 of 2021

CP(CO)
CT(14/07/2021)