



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.18396 of 2021

M.Viswanathan,

...Petitioner

Vs.

1. The Commissioner,
Coimbatore Corporation,
West Zone,
R.S.Puram west,
Coimbatore - 641002.
2. The Member Secretary,
Coimbatore Local Planning Authority,
First Floor, Corporation Shopping Complex,
Raju Naidu St, Sivananda Colony,
Coimbatore - 641 012.
3. The District Collector,
7/1, State Bank Rd, Gopalapuram,
Coimbatore - 641018.
4. The Revenue Divisional Officer,
7/1, State Bank Rd, Gopalapuram,
Coimbatore - 641018.
5. The District Revenue Officer,
State Bank Rd, Opp. Railway Station,
Gopalapuram, Coimbatore-641018
6. The Tashildar,
Sulur,
Coimbatore - 641 402.
7. The Executive Officer
Irugur Municipality,
Coimbatore - 641103.



8. K.Mahesh,
Builder,
13/1, Madha Kovil Street,
Sowripalayam,
Coimbatore - 641 028.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the Respondents 1 and 2 to remove the illegal and unauthorised ongoing constructions of the 8th respondent being constructed by infringing prescribed set back and FSI slabs in Samiyarmedai, Road, Irugur Municipality, Coimbatore pursuant to the Official Communication of the 7th respondent dated 15.04.2021.

For petitioner : Mr.P.Mahesh Kumar

For respondents : Mr.S.Saravanan
Standing Counsel (for R1 & R2)
Mr. T.N.C.Kaushik
Government Counsel (for R3to R7)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

The petitioner has come forward with this writ petition for issuance of Writ of Mandamus directing the respondents 1 and 2 to remove the illegal and unauthorised ongoing constructions of the 8th respondent being constructed by infringing prescribed set back and FSI slabs in Samiyarmedai, Road, Irugur Municipality, Coimbatore, pursuant to the Official Communication of the 7th respondent, dated 15.04.2021.

2.The petitioner would state that his wife V.Suguna is the owner and he is the resident of the house at No.9/1B, Samiyarmedai Road, Irugur, Coimbatore. It is alleged that the 8th respondent is putting up construction opposite to the house of the petitioner in violation of the building plan. Hence, he sent a representation to the respondents and the property was also inspected by the 7th respondent and in a communication dated 15.04.2021, the 7th respondent has stated that the 8th respondent has constructed a building in violation of the building plan. However, subsequently, no action was taken.

3.The learned counsel appearing for the petitioner would submit that it would suffice, if a suitable direction is issued to the 7th respondent to take action in pursuance of the letter dated 15.04.2021.



4.We have heard Mr.S.Saravanan, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.T.N.C.Kaushik, learned Government Counsel appearing for the respondents 3 to 7.

5.Considering the limited scope of the prayer sought for in the writ petition and the submission of the learned counsels, this Court, without expressing any opinion on the merits of the matter, directs the 7th respondent to take appropriate action on the basis of the representation of the petitioner dated 05.08.2021, after affording opportunity to all the necessary parties. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skn

To

- 1.The Commissioner,
Coimbatore Corporation,
West Zone,
R.S.Puram west,
Coimbatore - 641002.
- 2.The Member Secretary,
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- 5.The District Revenue Officer,
State Bank Rd, Opp. Railway Station,
Gopalapuram, Coimbatore-641018



6.The Tashildar,
Sulur,
Coimbatore - 641 402.

7.The Executive Officer,
Irugur Municipality,
Coimbatore - 641103.

+1cc to Mr.S.Saravanan, Advocate Sr No.46392
+1cc to the Government Pleader Sr No.46858

W.P.NO.18396 of 2021

JPL (CO)
PR (18/10/2021)