



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2021

CORAM

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

W.P.No.22404 of 2021
and W.M.P.No.23651 of 2021

M.Sivasamy

... Petitioner

-vs-

- 1.The Commissioner
Coimbatore City Municipal Corporation
Coimbatore - 641 001.
- 2.The Assistant Commissioner (North Zone)
Coimbatore City Municipal Corporation
Coimbatore - 641 037.
- 3.The Executive Engineer (Planning)
Coimbatore City Municipal Corporation
Coimbatore.

4.C.Sangeetha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the un-authorized construction put up by the 4th respondent over the public lane, viz., Thiru.Vi.Ka.Street, in S.F.No.280, Ganapathy Village, Coimbatore, now T.S.No.48, Block No.19, Ward No.T(20), within Coimbatore City Corporation, by considering petitioner's representation dated 06.09.2021 within a reasonable time as may be fixed by this Court.

For petitioner : Mr.A.E.Ravichandran

For respondents: Mr.K.Magesh, Standing Counsel
for RR1 to 3
No Appearance for R4



ORDER

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

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This writ petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 3 to remove the un-authorised construction put up by the 4th respondent over the public lane in S.F.No.280, Ganapathy Village, Coimbatore, now T.S.No.48, Block No.19, Ward No.T(20).

2.Heard, Mr.A.E.Ravichandran, learned counsel for the petitioner and Mr.Magesh, learned Standing Counsel appearing for the respondents 1 to 3. Though notice has been served on the 4th respondent and her name also printed in the cause list, there is no representation for her.

3.Mr.A.E.Ravichandran, learned counsel for the petitioner would submit that the petitioner purchased a house site in Survey No.280 part, Ganapathy Village, by virtue of a sale deed dated 27.08.2004. Subsequently, he settled the property in favour of his wife-Divya, in the year 2006. He further added that a lane formed in T.S.No.48 has been used by the petitioner to reach his property, which is under encroachment by the 4th respondent. Hence a suit in O.S.No.641 of 2021 was filed for declaration and mandatory injunction. Even during the pendency of the suit, the 4th respondent is putting up un-authorised construction and hence, the present writ petition.

4.Mr.Magesh, learned Standing Counsel appearing for the respondents 1 to 3 would state that based on the representation of the petitioner dated 06.09.2021, the official respondents have already initiated action and issued notice to the 4th respondent and further action will be taken in accordance with law.

5.In the light of the above submissions of the learned counsel on either side, this Court without going into the merits of the matter, directs the 3rd respondent to consider the representation of the petitioner dated 06.09.2021 and take action in accordance with law after affording opportunity to the petitioner as well as the 4th respondent, within a period of three months from the date of receipt of a copy of this order.



6. Accordingly, this writ petition is disposed of. No costs.
Consequently connected miscellaneous petition is closed.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Jer
To

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
2. The Assistant Commissioner (North Zone),
Coimbatore City Municipal Corporation,
Coimbatore - 641 037.
3. The Executive Engineer (Planning),
Coimbatore City Municipal Corporation,
Coimbatore.

+1cc to Mr.A.E.Ravichandran, Advocate Sr.64215
+1cc to Mr.K.Magesh, Advocate Sr.64113

W.P.No.22404 of 2021
and W.M.P.No.23651 of 2021

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srg 27/12/2021