



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.12.2021

CORAM:

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

W.P. No.25736 of 2021
and
WMP.Nos.27182, 27184 and 27186 of 2021

S.Sheik Abdulla

.. Petitioner

Versus

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Director of Town and Country Planning,
4th Floor, Chengalvarayan Building,
807, Anna Salai,
Chennai 600 002.
3. The Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.
4. The Member Secretary,
Local Planning Authority,
Tatabad,
Coimbatore 641 012.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records in impugned notice Na.Ka.No.5834/2021/H1(The), dated 26.10.2021 on the file of third respondent and quash the same and further direct the third respondent to forbear from evicting the petitioner/demolishing the building bearing site No.5, Door No.3-A-J, S.F.No.242/1, Sowkar Nagar, I Street, Karumbukadai, Coimbatore.



For petitioner : Ms.V.Geetha Rani

For respondents

for RR1 & 2 : Mr.K.V.Sajeev Kumar
for R3 : Mr.K.Natarajan
for R4 : Mr.M.Alagu Gowtham
Government Advocate

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ORDER

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

The Writ Petition is heard through video conferencing.

2. By consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed challenging the notice issued by the third respondent dated 26.10.2021 under Sections 258 and 441 of the Coimbatore Municipal Corporation Act 1981, wherein it is stated that the petitioner has encroached upon the land of the Coimbatore Corporation.

4. The learned counsel appearing for the petitioner Ms.V.Geetha Rani would contend that the petitioner is in possession and enjoyment of the land in Survey No.242/1. After obtaining planning permission, he had put up construction. According to the learned counsel, the petitioner has not encroached upon the land of the Coimbatore Corporation.

5. The learned Standing Counsel appearing for the third respondent Mr.K.Natarajan would submit that after confirming that the petitioner encroached on the land of the Corporation, impugned notice has been issued and there is no illegality in it.

6. In the light of the submissions of the learned counsel appearing for the petitioner, we direct the third respondent/Commissioner, Coimbatore Corporation to cause a survey on the subject land in the presence of the petitioner with the assistance of the concerned Tahsildar and on the basis of the report of the Tahsildar, the third respondent shall take further action in accordance with law.



7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

pvs

To

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+1cc to Mr.K.Natarajan, Advocate, S.R.No.63936

W.P. No.25736 of 2021

CP[co]
NSK 29/12/2021