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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.459 of 2022

1.R.Parameshwari

2.A.Saraswathi

... Petitioners

vs

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

2.The Assistant Commissioner,
Coimbatore Corporation,
North Zone,
No.1, Dr.Balasundaram Road,
Pappanackenpalayam,
Opp. to Women Polytechnic,
Coimbatore - 641 037.

3.Thilagavathi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing respondents 1 and 2 to remove the unauthorised fencing put up by the third respondent in the 30 feet wide public road which was formed in S.Nos.85/1, 86/1, 87/1, situated at Chinnavedampatti Village, Ganapathy, Coimbatore.

For Petitioners :Mr.S.Doraisamy

For Respondents :Mr.K.Natarajan
for R1 and R2
R3 - No appearance



ORDER

[Order of this Court was delivered by T.RAJA, J.]

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The writ petition has been filed seeking a direction to respondents 1 and 2 to remove the un-authorized fencing put up by the third respondent in the 30 feet wide public road which was formed in S.Nos.85/1, 86/1, 87/1, situated at Chinnavedampatti Village, Ganapathy, Coimbatore.

2.Learned counsel appearing for the petitioners submitted that the lands situated in S.Nos.85/1, 86/1 and 87/1 in Chinnavedampatti Village, Ganapathy, Coimbatore District, measuring to an extent of 4.90 acres, belong to three persons namely, R.Nagarajan, K.Ashok Kumar and A.Kartikeyan by virtue of the sale deed dated 27.05.2016, registered as Document No.4055 of 2016, Sub Registrar Office, Gandhipuram, Coimbatore District. After forming 30 feet wide layout road on the eastern side of the lay out plots in S.F. Nos.85/1, 86/1 and 87/1, the above three persons sold the plots to many person including the third respondent, namely Thilagavathi. Thereafter, the public and the petitioners have been using the above road for transportation. Since the third respondent has put up a fencing adjacent to the petitioners' property by preventing them from using the public road and by blocking the access of the public road, a representation has been given by the petitioners requesting respondents 1 and 2 to remove the un-authorized fencing put up by the third respondent in the 30 feet wide public road which was formed in S.Nos.85/1, 86/1, 87/1, situated at Chinnavedampatti Village, Ganapathy, Coimbatore. As there was no response, the petitioners are before this Court.

3.In spite of notice to the third respondent, there is no representation on her behalf either through counsel or by herself before this Court or through Video Conferencing. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for respondents 1 and 2.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the Assistant Commissioner, Coimbatore Corporation/the second respondent to consider the representation dated 22.11.2021 given by the petitioner, on merits and in accordance with law, after giving notice to the petitioner and



the third respondent and dispose of the same within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vga

To

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.
- 2.The Assistant Commissioner,
Coimbatore Corporation,
North Zone,
No.1, Dr.Balasundaram Road,
Pappanackenpalayam,
Opp. to Women Polytechnic,
Coimbatore - 641 037.

+1cc to Mr.S.Doraisamy, Advocate SR.No.7872
+1cc to Mr.K.Natarajan, Advocate SR.No.7570
+1cc to the Government Pleader, SR.No.8314

W.P.No.459 of 2022

SR(CO)
CB(25/02/2022)