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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.15274 OF 2021

AND

WMP.NO.16166 OF 2021

Bharatha Annai Illam
rep. by its Founder,
Ms.D.Nirmala,
Door No.34, TMS Farm House,
Sree Ragavendra Garden,
Verakeralam, Coimbatore-641 007.

... Petitioner

-vs-

1. State of Tamil Nadu
rep. by its Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai-600 099.
2. The Special Commissioner,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai-600 002.
3. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Raju Naidu Street, Tatabad,
Sivananda Colony,
Coimbatore-641 012.
4. The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall, Coimbatore-641 001.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 01.07.2021 issued by the 4th respondent under Sections 258 and 441 of the Coimbatore City Municipal Corporation Act and quash the same as illegal as the petitioner's lease hold right property, house ground and premises bearing Door No.34, TMS Farm House, Sree Ragavendra Garden, Verakeralam, Coimbatore-641 007, forming part of the valid and proper building plan Approval vide No.224/09-10 dated 30.11.2009 from the Executive Officer, Veerakeralam Town Panchayat, is deemed to be released from any reservation, allotment or designation as park or for any public purposes under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : No appearance

For Respondents : Mr.K.V.Sajeev Kumar, Spl.G.P.
for R1 and R2
Mr.R.Sivakumar for R3
Mr.K.Magesh for R4

ORDER

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

When the matter was called to-day, there was no representation on behalf of the petitioner and the respective learned Counsels for the respondents were present and they brought to the notice of this Court that though the petitioner undertakes to file an Affidavit to vacate the premises-in-question, within a period of six months as ordered by this Court dated 27.07.2021, he has not filed any affidavit to that effect. Hence the interim stay already granted by this Court on 27.07.2021 was vacated and the respondents were also directed to proceed with the matter including removal of the encroachment, if any, in accordance with law as per order dated 02.08.2021, as the petitioner was not appearing before the Court thereafter.

2. In this regard, a perusal of the Notes Paper would go to show that even on the last occasion on 23.02.2022 before us, there was no representation for the petitioner though the matter was ordered to be passed over and taken up in the post lunch session. Even today, there was no representation for the petitioner. It shows that the petitioner is not interested in prosecuting the matter.



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Therefore, the Writ Petition is dismissed for default. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, State of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai-600 099.
2. The Special Commissioner,
Town and Country Planning Department,
No.807, Anna Salai, Chennai-600 002.
3. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Raju Naidu Street, Tatabad,
Sivananda Colony, Coimbatore-641 012.
4. The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall, Coimbatore-641 001.

+1cc to Mr.K.Magesh, Advocate, S.R.No.12583

+1cc to the Government Pleader, S.R.No.13065

W.P.No.15274 of 2021

RSV(CO)

RLP(10/03/2022)