



W.P.No.1791 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.1791 of 2018
and W.M.P.No.2220 of 2018

V.C.Radharani

... Petitioner

Vs.

1.The Commissioner
Coimbatore City Municipal Corporation
Big Bazaar
Coimbatore – 1

2.The Town Planning Officer and
Assistant Commissioner
Coimbatore City Municipal Corporation
Coimbatore North Zone
Dr. Balasundaram Road
Coimbatore 641 018

3.The Member Secretary
the Local Planning Authority
Tatabad 3rd Street
Sivananda Colony
Tatabad, Coimbatore 641 012

4.R.P.Ushadevi Ganesan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the petitioner's objections dated 08.12.2017 followed by the further objection dated 27.12.2017 through her counsel for granting building plan approval to the 4th respondent in respect of the property at S.No.146/1, Ganapathy village, Coimbatore as per provision of Coimbatore City Municipal Corporation Act and the Rules framed thereunder and reject the building plan approval filed by the 4th respondent as the same has been filed without the consent of the petitioner, being the co-owner.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.Najeeb Usman Khan for R1 & R2

Mr.K.Karthik Jagannath
Government Advocate for R3

Mr.P.Ayyasamy for R4

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the petitioner's objections dated 08.12.2017 followed by the further objection dated 27.12.2017 through her counsel for granting building plan approval to the 4th respondent in respect of the



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property at S.No.146/1, Ganapathy village, Coimbatore as per provision of Coimbatore City Municipal Corporation Act and the Rules framed thereunder and reject the building plan approval filed by the 4th respondent as the same has been filed without the consent of the petitioner, being the co-owner.

2.It is stated that the writ petitioner has died and the writ petition is filed only on the ground that the 4th respondent, who is none other than the brother of the petitioner and co-owner of the property has tried to put up unauthorised construction in the common property, in respect of which, civil Suit is also pending.

3.Whereas, the learned counsel appearing for the respondents 1 and 2 and 3 would submit that no application for granting building plan approval to the 4th respondent in respect of the property at S.No.146/1, Ganapathy Village, Coimbatore is pending before them.



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4. Such view of the matter, as the petitioner has also died and no application is pending with the respondents, this Court is inclined to dispose of this petition.

5. This Writ Petition stands disposed of accordingly with liberty to file a fresh petition if any need arises by impleading the legal representatives. Consequently, the connected miscellaneous petition is closed. No costs.

05.12.2022

kas

Index : yes / no

Internet : yes / no

Speaking / Non speaking

To

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N.SATHISH KUMAR, J.
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