



WEB COPY



W.P.No. 25981 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM

The Hon'ble Mr. Justice **T. RAJA**
and
The Hon'ble Mr. Justice **K. KUMARESH BABU**

W.P.No.25981 of 2021
and W.M.P. No.27436 of 2021

K.Sivakumar

.. Petitioner

Vs

1.The Commissioner,
Director of Town and Country Planning,
Building Division, No.807, Anna Salai,
Chennai – 2.

2.The Deputy Director,
Director of Town and Country Planning,
Corporation Shopping Complex,
Dr.Nanjappa Road,
Coimbtore – 641 018.

3.The Member Secretary,
Local Planning Authority,
Sivananda Colony,
Tatabad, Coimbatore.

4.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore – 641 001.

5.T.Sivakumar
6.Banumathy

.. Respondents



W.P.No. 25981 of 2019

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 2 to 4 to demolish illegal and unauthorized constructions put up by the fifth and sixth respondents at 1B, Krishnarayapuram Village, Parashakthi Nagar, Ganapathy, Coimbatore comprised in S.F. No.30/1 an extent of 2175 sq.ft. by violating approved plan in B.L.No.63/2021/MH3/N issued by the third and fourth respondents herein.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.K.Karthik Jaganathan,
Govt. Advocate for R1 and R2
Mr.K.Natarajan for R4
Dr.C.Ravichandran for R5 and R6
R3 – No appearance

ORDER

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

Seeking a direction to respondents 2 to 4 to demolish illegal and unauthorized constructions put up by the fifth and sixth respondents at 1B, Krishnarayapuram Village, Parashakthi Nagar, Ganapathy, Coimbatore comprised in S.F. No.30/1 measuring an extent of 2175 sq.ft. by violating approved plan in B.L.No.63/2021/MH3/N issued by the third and fourth respondents herein, the present writ petition has been filed.



W.P.No. 25981 of 2019

WEB COPY

2. It is the case of the petitioner that he has permanent house at No.1A, Parashakthi Nagar, Athipalayam Pirivu, Ganapathy, Coimbatore and respondents 5 and 6 started construction in the nearby plot owned by them violating the planning permission. Therefore, the petitioner made several representations to the fourth respondent to take action against respondents 5 and 6. Since no action has been taken on the representations, the petitioner has filed the present writ petition with the aforesaid prayer.

3. Heard the learned counsel for the respective parties.

4. When the matter was taken up for hearing, learned counsel for the fourth respondent Corporation submitted that respondents 5 and 6 have filed Special Revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending.

5. In view of the pendency of the Special Revision, we direct the authority concerned to consider the same and pass appropriate orders on merits and in accordance with law within a period of 90



W.P.No. 25981 of 2019

days from the date of receipt of a copy of this order.

WEB COPY

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(T.R., J) (K.B., J.)
06.07.2022

Index:Yes/No
mmi

To

- 1.The Commissioner,
Director of Town and Country Planning,
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Page 4 of 5



W.P.No. 25981 of 2019

5. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 9.

WEB COPY

**T. RAJA.,J
and
K. KUMARESH BABU.,J**

mmi

W.P.No.25981 of 2021

06.07.2022