



WEB COPY



W.P.No.29348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.No.29348 of 2022**  
**and**  
**W.M.P.No.28656 of 2022**

M/s.R.J.Gas Agency,  
Bharat Gas Distribution,  
Rep. by its Partner S.Petchiammal,  
SF.No.251/1,Urumandapalayam Road,  
Vellaikinaru, Coimbatore - 641 029.

...Petitioner

Vs.

1.The Commissioner,  
Coimbatore Corporation,  
Coimbatore.

2.V.Devendran

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's impugned notice dated 16.09.2022 and quash the same with consequently direct the 1st respondent to extend the time to vacate the godown with time bound order.



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For Petitioner : Mr.N.Devarajan  
For Respondents : Mr.N.Velmurugan,  
Standing Counsel for R1

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### **ORDER**

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Considering the limited prayer sought for, notice to the 2<sup>nd</sup> respondent is deemed unnecessary. Mr.N.Velmurugan, learned Standing Counsel takes notice for the 1<sup>st</sup> respondent.

2) Challenge in this writ petition is to the notice dated 16.09.2022 issued by the Coimbatore Corporation under Section 296(3) of the Coimbatore City Municipal Corporation Act, 1981.

3) Notice has been issued to the petitioner on the ground that the petitioner has been using the building, which has been constructed without sanctioned plan, as a godown for storing gas cylinders. The petitioner is carrying on business in distribution of gas cylinders for M/s. Bharat



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Petroleum Corporation Ltd., The petitioner was appointed as a dealer in 1994 and from then on the premises is used as a godown. Unfortunately for the petitioner, the Corporation Authorities have woken up from their deep slumber nearly after 28 years. It is on record that the building was constructed even in the year 1990 and was used as a godown for storing gas cylinders by the dealer of Indian Oil Corporation also. Therefore, now the slumber extends to more than 32 years.

4) The petitioner has produced documents to show that it is constructing godown of its own and construction is at an advanced stage. All that the petitioner wants is some time, till such time the own godown which is being constructed after obtaining all necessary approvals is ready for occupation.

5) Taking into account the fact that the Corporation has not taken any action for more than 32 years and the reason assigned viz., the area was included in the Corporation limits only recently is also unacceptable, because the area formed part of the Panchayat to which also the Town and Country



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Planning Act applied. There were also Authorities who had to implement those provisions.

6) In the above backdrop, though we see no reason to quash the notice dated 16.09.2022, we defer the said notice for a period of one (1) year from today to enable the petitioner to shift the godown to its own premises. If the petitioner fails to shift the godown to its own premises within a period of one (1) year, it will be open to the Corporation to take action as contemplated under law.

7) The writ petition is **disposed of** with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)  
08.11.2022

dsa

Index :Yes/No  
Internet :Yes/No  
Speaking order/Non-Speaking order



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To:-

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The Commissioner,  
Coimbatore Corporation,  
Coimbatore.



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**R.SUBRAMANIAN, J.**  
**and**  
**K.KUMARESH BABU, J.**

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