



W.P. No.31429 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.31429 of 2022

B. Raja

...Petitioner

Vs.

1. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore 641 018.
2. The Assistant Commissioner,
Coimbatore Municipal Corporation,
Coimbatore 641 018.
3. The Member Secretary
Local Planning Authority,
Sivanandha Colony,
Tatabad, Coimbatore.
4. The Executive Engineer,
TNED Tatabad, Coimbatore.
5. The Town Planning Officer (Central Zone)
Office of Municipal Corporation,
Coimbatore 641 018.



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6. The Assistant Town Planning Officer (Central Zone)
Office of Municipal Corporation,
Coimbatore 641 018.

7. Mahasin Mallick

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ in the nature of Writ of Mandamus or any other writ or order or direction directing the respondents 1 to 6 to inspect the property in Old T.S. No.6/278, New T.S. No.295/1 & 2 bearing Door Nos. 175 to 181, Idyar Street, Coimbatore, and to take appropriate action against the 7th respondent for putting up an illegal construction in the said property, by considering the petitioner's representation dated 18.08.2022.

For Petitioner	: Mr. A. Thiyagarajan
For R1 and R2	: Mr. N. Umapathy
For R7	: Mr. L. Mouli
For R3 to R6	: Not ready in notice

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 6 to inspect the property in Old



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T.S.No.6/278, New T.S. No.295/1 & 2 bearing Door Nos. 175 to 181, Idyar Street, Coimbatore, and to take appropriate action against the 7th respondent for putting up an illegal construction in the said property by considering the representation of the petitioner dated 18.08.2022.

2. The petitioner is the owner of the property situate in Old T.S. No.6/278 part, New T.S. No.6/295 part, Idyar Street @ Krishnan Street, Coimbatore District, and the 7th respondent is the owner of the adjoining property situate on the western side of the petitioner's property. According to the petitioner, the 7th respondent is putting up a construction in total deviation with the approved building plan. In such circumstances, the petitioner has sent a representation on 18.08.2022 to the respondents 1 to 6 stating the violation committed by the 7th respondent. Since no order is passed, the petitioner has come up with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the respondents 1 & 2 as well as the



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learned counsel appearing for the 7th respondent and perused the entire materials on record.

4. Learned counsel appearing for the respondents 1 and 2 submitted that the officials of the 1st respondent will inspect the property of the 7th respondent and if there is any violation in the construction, the 1st respondent will officially proceed as per the provisions of the Coimbatore City Municipal Corporation Act.

5. Learned counsel appearing for the 7th respondent submitted that there is no violation as alleged by the petitioner.

6. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the 7th respondent and the nature of relief sought for in this Writ Petition, the 1st respondent is directed to inspect the property of the 7th respondent situated in Old T.S. No.6/278, New T.S. No.295/1 & 2



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bearing Door Nos. 175 to 181, Idyar Street, Coimbatore, after issuing notice to the petitioner as well as the 7th respondent, within 15 days from the date of receipt of a copy of this order and if there is any violation in the building plan granted by the respondents 1 to 3, the 1st respondent shall take action as per the provisions of the Coimbatore City Municipal Corporation Act, within a period of eight (8) weeks thereafter.

7. With the above directions, the Writ Petition is disposed of.

No costs.

(V.M.V., J) (R.H., J)

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bga

Index : Yes / No

Internet : Yes / No



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