



W.P.No.1736 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.1736 of 2023

Alagappan

.. Petitioner

Vs.

1. The District Collector  
Coimbatore District  
Coimbatore.

2. The Commissioner  
Coimbatore Corporation  
Coimbatore.

3. The Assistant Executive Engineer (Planning)  
Western Zone  
Coimbatore Corporation  
Coimbatore.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records of the impugned notice of the third respondent dated 05.01.2023, quash the same and further direct the respondents not to interfere with the



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peaceful possession and enjoyment of the petitioner's property situated in S.F.No.87/1 and S.F.No.86, Vadavalli Village, Coimbatore Registration District measuring an extent of 1727 sq.ft. along with RCC building.

For the Petitioner : Mr.I.Abrar Md. Abdullah

For the Respondents : Mr.J.Ravindran  
Additional Advocate General  
Assisted by  
Mr.A.Selvendran  
Special Government Pleader  
for Respondent-1

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the notice issued under Sections 258(4) and 441 of the Coimbatore City Municipal Corporation Act, 1981.

2. Learned counsel appearing for the petitioner contended that the impugned notice issued under Section 258(4) of the Act shows the non application of mind on the part of the third respondent as there is no Sub-section (4) in Section 258 of the Act and therefore,



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the impugned notice is liable to be quashed.

3. Learned counsel for the petitioner further contended that the petitioner has purchased the land in question in S.F.No.87/1 and S.F.No.86, Vadavalli Village, Coimbatore Registration District measuring an extent of 1727 sq.ft. along with RCC building from one Heather Rosario vide Document No.443/2016 dated 27.01.2016 and that the construction was made by the vendor only after obtaining approval on 07.10.1991. Thereafter, the petitioner has also been issued with patta vide Patta No.3513. When the petitioner has been paying property tax and water tax regularly, the impugned notice calling upon the petitioner to remove the encroachment is untenable.

4. We are unable to entertain this writ petition for the simple reason that when the petitioner claims that after his purchase of the property in question, he has been issued with patta and that his vendor has obtained approval from the authorities concerned, nothing prevented him to submit his reply to the impugned notice, instead of approaching this Court by way of this writ petition.



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5. In view of the above, this writ petition is disposed of, directing the petitioner to submit his reply to the impugned notice within two weeks from the date of receipt of a copy of this order and on receipt of the same, the authority concerned shall pass appropriate orders within two weeks thereafter. Till then, both the parties are directed to maintain status quo. There will be no order as to costs. WMP No.1850 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)  
25.01.2023

Index : Yes/No  
Neutral Citation : Yes/No

kpl

To

1. The District Collector  
Coimbatore District  
Coimbatore.
2. The Commissioner  
Coimbatore Corporation  
Coimbatore.
3. The Assistant Executive Engineer (Planning)  
Western Zone, Coimbatore Corporation  
Coimbatore.



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T.RAJA, ACJ,  
and  
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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