



W.P.No.1671 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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V.K.Sheebakumari

... Petitioner

versus

- 1.The Commissioner,
Coimbatore Corporation
Coimbatore 641 001.
- 2.The Town Planning Officer,
Corporation of Coimbatore,
Town Hall, Coimbatore.
- 3.The Assistant Commissioner
Central Zone, Coimbatore Corporation
Coimbatore.
- 4.The Member Secretary
Coimbatore Local planning Authority
Coimbatore.
- 5.Raju
- 6.Arokiamary
- 7.Sudha

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 4 herein to take action against respondents 5 to 7 herein by way of demolition of construction made by them in the rear side of the property bearing Old No.378, New No.57, S.F.Nos.230 and 231 and T.S.No.11/1268, Site No.32, 5th Street Extension, Gandhipuram, Ganapathy Village, Coimbatore Taluk, Coimbatore.

For Petitioner	: Mr.C.R.Prasanan
For Respondents	: Mr.E.Vijay Anand, Additional Government Pleader, for respondents 2 and 4 Mr.K.Magesh, Standing Counsel, for respondents 1 and 3 No appearance for respondents 5 to 7

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petition has been filed for a Mandamus, directing the respondents 1 to 4 herein to take action against respondents 5 to 7 herein by way of demolition of construction made by them in the rear side of the property bearing Old No.378, New No.57, S.F.Nos.230 and 231 and T.S.No.11/1268, Site No.32, 5th Street Extension, Gandhipuram, Ganapathy Village, Coimbatore Taluk, Coimbatore.

2. The learned counsel for the petitioner submitted that the respondents 5 to 7 are also residing in the building in question.

3. Notice has been served to the respondents except the 5th



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4. A counter-affidavit has been filed by the respondent Corporation stating that, on the basis of a complaint made by the petitioner, the respondent Corporation had inspected the building in question and ascertained that the respondents 5 to 7 had made a construction in the already existing building without obtaining any due permission from the Corporation. Therefore, the respondent Corporation has issued a notice dated 19.11.2019 under Section 296(1) of the Coimbatore Corporation Act, directing them to remove the unauthorized construction made by them, within a period of seven days' of such notice.

5. Learned counsel for the petitioner submits that after the issuance of the said notice dated 19.11.2019, the respondent Corporation, has not taken further action for removal of unauthorized construction.

6. In view of the specific stand taken by the respondent



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Corporation in the counter-affidavit filed by them, that the construction done by respondents 5 to 7 in the already existing building is unauthorized, we direct the respondent Corporation to proceed further for removal of the unauthorized construction in the building in question, by following the procedure as contemplated under the Coimbatore Corporation Act. The said exercise shall be completed, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order. If necessary notice shall also be served to the respondents 5 to 7.

7. With the above directions, the writ petition stands disposed of. We make it clear, in case, if there is any violation, it is for the respondent Corporation to take action as per the law. There will be no order as to costs. Consequently, WMP No.1949 of 2020 is closed.

[D.K.K., J.] [P.D.B., J.]
27.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.
(mrn)

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