



W.P.No.2896 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE Mrs.JUSTICE J.NISHA BANU

and

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.2896 of 2022

and

W.M.P.No.3026 of 2022

V.Subburayan

...Petitioner

vs

1. The District Collector,
Coimbatore.
2. The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar, Town Hall,
coimbatore - 641 001.
3. Assistant Commissioner,
Coimbatore Municipal Corporation,
West Zone, R.S.Puram,
Coimbatore - 641 002.
4. Jothimani Gopalan,
C/o M/s.Velusamy jewellery,
1094, Big Bazaar Street,
Coimbatore - 1.

.... Respondents



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Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus to direct the respondents 1 to 3 to take action against the 4th respondent for putting up unauthorized construction and to take further action pursuant to the proceedings of the 3rd respondent in Na.Ka.No.0889/21/CL dated 13.01.2022 in accordance with law.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader for R1
Mr.K.Magesh,
Standing Counsel for R2 & R3/
Municipal Corporation,Coimbatore
Mr.L.Mouli for R4

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 3 to take action against the 4th respondent for putting up unauthorized construction and to take further action pursuant to the proceedings of the 3rd respondent in Na.Ka.No.0889/21/CL dated 13.01.2022 in accordance with law.

2. The petitioner is the resident of Shri Lalithaambigai Apartment and the 4th respondent owns the western side adjacent property and they are planning to make modifications in their building and started construction



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without permission and has also not maintained 5 feet distance between the 2 buildings which affects the petitioner's easementary rights. On 27.02.2021, the petitioner made representation to the 3rd respondent to restrict the construction made by the 4th respondent, but no action was taken. The petitioner filed W.P.No12594 of 2021 for directing the respondents 1 to 3 to take appropriate action. The 3rd respondent issued proceedings dated 13.01.2022 calling upon the 4th respondent to stop construction. But they did not stop the unapproved construction. The petitioner issued legal notice on 20.01.2022 to the 2nd respondent to take action upon the non compliance of the order against the 4th respondent, but no action was taken. Hence, the present writ petition.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would state that the entire building has been demolished and put up fresh construction. Learned counsel for the 4th respondent would state that after filing of the present writ petition, the entire building has been demolished and after obtaining building plan approval, the building has been constructed. He has also filed typed set of papers showing the present building plan and approval and the photographs showing the demolition of the building.



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4. In view of the above, no further order is required in the present writ petition. Therefore, recording the submission made by the learned counsel for the petitioner and the learned counsel for the 4th respondent, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
09.08.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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**J.NISHA BANU,J.
and
N.MALA,J.**

vsi

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