



W.P.No.7281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2023

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.7281 of 2023

Jaina Bibi

.. Petitioner

Vs.

1.The Commissioner
Corporation of Coimbatore
South Zone
Periyakadai street
Coimbatore – 641 001.

2.Assistant Executive Engineer
Corporation of Coimbatore
South Zone
Periyakadai street
Coimbatore – 641 001.

3.Assistant Engineer
Tamil Nadu Electricity Board
Pothanur South
LIC colony
Pothanur, Coimbatore – 641 021.



W.P.No.7281 of 2023

4. Inspector of Police
Poathanur Police Station
Coimbatore – 641 023.

5.Dinesh Kumar

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to demolish the illegal construction put up by the 5th respondent in his property situated at Kurichi Village at S.F.No.269/A42 (Old S.F.No.269/B1) in Door No.275(part), Saradha Mill Road, Podhanur, Coimbatore – 641 023 constructed without obtaining permission and plan approval from the 1st respondent based on the representation dated 26.10.2022 issued by the petitioner.

For Petitioner : Mr.C.D.Sugumar

For R1 & R2 : Mr.N.Velmurugan

Standing Counsel for Coimbatore Corporation

For R3 : Mr.L.Jai Venkatesh

Standing Counsel for TNEB

For R4 : Mrs.R.L.Karthicka

Government Advocate



W.P.No.7281 of 2023

ORDER

WEB COPY(Order of the Court was delivered by V.LAKSHMINARAYANAN, J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 3 to demolish the illegal construction put up by the 5th respondent in his property constructed without obtaining permission and planning approval from the 1st respondent based on the petitioner's representation dated 26.10.2022.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.N.Velmurugan, learned Standing Counsel, who takes notice for the respondents 1 & 2, Mr.L.Jai Venkatesh, learned Standing Counsel, who takes notice for the 3rd respondent and Mrs.R.L.Karthika, learned Government Advocate, who takes notice for the 4th respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the 5th respondent is the owner of the property in S.F.No.269/A42 (Old S.F.No.269B1), Kurichi Village, situated at Door No.275(part), opposite to Royal Biriyani, Saradha Mill



W.P.No.7281 of 2023

Road, Podhanur, Coimbatore and he has put up construction encroaching the petitioner's property without any approval. Therefore, the petitioner filed O.S.No.79 of 2002 on the file of the District Munsif Court, Madhukarai, Coimbatore District for permanent injunction and removal of unauthorised construction made by the 5th respondent. Pending suit, the petitioner also made a representation to the respondents 1 to 3 to take action against the 5th respondent. Though the 2nd respondent by proceedings dated 29.09.2022 issued stop work notice, the 5th respondent has continued putting up construction. Therefore, the petitioner has again sent a detailed representation on 26.10.2022 to the respondents 1 to 3. Since no action has been taken, the present Writ Petition has been filed.

4. We heard the learned counsel appearing for the petitioner, learned Standing Counsel and learned Government Advocate appearing for the respondents and carefully perused the records.

5. Considering the nature of relief sought for in the Writ Petition, the respondents 1 & 2 are hereby directed to inspect the property within a



W.P.No.7281 of 2023

period of two weeks from the date of receipt of a copy of this order and if they find any unauthorised construction, take action against the 5th respondent within a period of eight weeks thereafter. Prior to inspection and taking any enforceable action if any, the respondents 1 & 2 are directed to put the petitioner as well as 5th respondent on notice.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V.,J.) (V.L.N.,J.)
10.03.2023

Index : Yes/No
Neutral Citation : Yes / No
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To

1.The Commissioner
Corporation of Coimbatore
South Zone
Periyakadai street
Coimbatore – 641 001.



WEB COPY



W.P.No.7281 of 2023

V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

Kj

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Corporation of Coimbatore
South Zone
Periyakadai street
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W.P.No.7281 of 2023

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