



WEB COPY



W.P.No.5566 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

**W.P.No. 5566 of 2020
and WMP.No.6524 of 2020**

1 V.Dharmalingam

..Petitioner

Vs

- 1 Housing and Urban Development
Rep. by its Secretary to the Government
Fort St. George Chennai 600009
- 2 The Secretary of Municipal
Administration Water Supply
Fort St. George, Chennai 9
- 3 The Member Secretary
Coimbatore Local Planning Authority ,
Sivananda Colony, Coimbatore 641012
- 4 The Commissioner of Town and
Country Planning No. 807,
Anna Salai Chennai 2



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5 The Commissioner
Coimbatore Municipal Corporation,
Coimbatore - 1

6 The Assistant Engineer
Tamil Nadu Electricity Board,
Perur Main Road,
Selvapuram Coimbatore 26

7 Divisional Officer
Divisional Office of Fire and Rescue Department,
State Bank Road, Coimbatore- 18.

8 The Shivalaya Auditorium
Previously Shivalaya Theatre,
Rep. by its Owner and Authorized Representative
No. 1A Perur Main Road,
Opp. Badrakalliamman Koil Temple,
Selvapuram South, Selvapuram,
Coimbatore -642026.

..Respondents.

Prayer: Writ Petitions are filed under Article 226 of Constitution of India to issue a writ or order or direction in the nature of writ of mandamus or direction to consider the petitioners complaint dated 03.09.2018 to the respondent 1 to 9 as against the 8th respondent and thereby issue lock and seal notice to the 8th respondent as contemplated under the act in a time period

For Petitioner : Mr. P.Sidharthan

For Respondents : Mr E.Vijay Anand, AGP – R1 to R4 & R7
Mr.K.Magesh – R5
Mr.L.Jaivenkatesh – R6
Mr. R.Bharanidharan - R8



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ORDER

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

The Writ petition is filed by the petitioner praying for a direction to consider the petitioner's complaint dated 03.09.2018 to the respondent 1 to 7 as against the 8th respondent for the illegal and unauthorised construction made by the 8th respondent and to issue lock and seal notice to the 8th respondent as contemplated under the act within a time frame as fixed by this Court.

2. The learned Standing Counsel appearing for the 5th respondent-Corporation has submitted that for the unauthorised building usage and additional constructions in Shivalaya Theater which is now being used as Marriage hall/Auditorium owned by the 8th respondent at T.S.Ward No. 44, Blcok No. 15, T.S.No. 189 Part, Selvapuram, Kumarapalayam Village, Coimbatore, the 5th respondent had issued notice under Section 296 (1), (2) and (3) to the 8th respondent and further process is under progress as per Coimbatore City Municipal Corporation Act 1981. Challenging the said



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notice, the 8th respondent has filed an appeal before the 1st respondent and the same is pending.

3. In view of the aforesaid statement made by the learned standing counsel appearing for the 5th respondent-Corporation, the prayer sought for in the writ petition has become infructuous. It is open to the petitioner to raise his objections before the appropriate forum, if so advised.

(D.K.K., J.) (P.D.B., J.)

14.06.2023

Index: Yes / No
Internet: Yes
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To

- 1 The Secretary to the Government ,
Housing and Urban Development
Fort St. George Chennai 600009
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Administration Water Supply
Fort St. George, Chennai 9.



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- 3 The Member Secretary
Coimbatore Local Planning Authority ,
Sivananda Colony, Coimbatore 641012
- 4 The Commissioner of Town and
Country Planning No. 807,
Anna Salai Chennai 2
- 5 The Commissioner
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