



W.P.No. 8800 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM

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

**W.P.No. 8800 of 2019
and WMP.No.9370 of 2019**

- 1 Dhanalakshmi
W/o.Late.V.Ramasamy
- 2 R.Prithviraj
S/o.Late.V.Ramasamy
- 3 R.Ravindran
S/o.Late.V.Ramasamy
- 4 R.Dinakaran
S/o.Late.V.Ramasamy
- 5 Suganya Devi
W/o.M.Balasundaram
- 6 R.Ramu
S/o.Late.V.Ramasamy
- 7 R.lakshmanan
S/o.Late.V.Ramasamy

Vs

- 1 State of Tamil Nadu
Represented by its Secretary to Government
Housing and Urban Development Department
Secretariat Chennai - 600 009.



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2 Coimbatore City Municipal Corporation
Rep. by the Commissioner
Coimbatore City Municipal Corporation
Coimbatore - 641 001

3 M.Jaganathan
Proprietor M/s.J.S.Estate and Properties
No.1 Park Avenue Avinashi Road Kumar
Nagar Tirupur-641 603

4 The Member Secretary,
Coimbatore Local Planning Authority,
Sivanandha Colony, TATABAD,
Coimbatore – 641012.

..Respondents

(Impleaded as 4th respondent by order
of this Court dated 20.08.2019)

Prayer: Writ Petitions are filed under Article 226 of Constitution of India to issue a writ of mandamus, directing the 1st and 2nd Respondents to take steps towards the demolition of the unauthorized construction put up by Respondent No.3 at Door No.1217 Ward No.1 Block No.38 Old T.S. No.672 New T.S. No.1473 under the name of J.S. Mall, Trichy Road,Puliakulam Village Coimbatore.

For Petitioners	: Mr. Suhrith Parthasarathy
For Respondents	: Mrs. R.L.Karthika, GA – R1
	Mr. K.Magesh, Standing Counsel – R2
	Mr. V.Govardanam - R3



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ORDER

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

Seeking directions to the 1st and 2nd Respondents to take steps towards the demolition of the unauthorized construction put up by the 3rd respondent under the name of J.S. Mall, Trichy Road, Puliakulam Village Coimbatore, the instant writ petition has been filed.

2. The learned counsel for the petitioner has submitted that the 3rd respondent and the petitioners herein had entered into a JDA on 05.05.2008 for construction of commercial complex in the land belonging to the petitioners herein. The 3rd respondent herein had obtained the planning permission on 23.05.2011, along with the approved building plan for putting up construction in the place belonging to the petitioners. The 3rd respondent had put up construction unauthorisedly beyond the approved plan. Hence the present writ petition seeking directions to the 1st & 2nd respondent to demolish the said unauthorised construction.



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3. On the other hand, the learned Standing Counsel appearing for the 2nd respondent-Corporation has submitted that based on the representation of the petitioner, the Assistant Commissioner, Coimbatore City Municipal Corporation, Central Zone had inspected the building and had issued notice dated 23.05.2019 to the 3rd respondent under Section 282 of Coimbatore City Municipal Corporation to Act to demolish the deviated portion and to construct the building as per the approved plan. The learned Standing Counsel would further submit that the 3rd respondent had filed an appeal before the 1st respondent for revised planning permission and the same is pending.

4. At this juncture, the learned counsels appearing for the parties concerned agreed to fix a time frame to dispose of the appeal pending before the 1st respondent.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels appearing for the parties concerned, We direct the 1st respondent to dispose of the appeal dated



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17.07.2019 preferred by the 3rd respondent on its own merits and in accordance with the Rules in force, within a period of eight (8) weeks from the date of receipt of a copy of this order, after hearing the parties concerned. It is needless to say that the 3rd respondent shall submit his copy of appeal petition dated 17.07. 2019 along with a copy of this order to the 1st respondent.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

05.06.2023

Index: Yes / No

Internet: Yes

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To

1 The Secretary to Government
Housing and Urban Development Department
Secretariat Chennai - 600 009.



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**D.KRISHNAKUMAR, J.
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P. DHANABAL, J.**

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