



W.P.No.9894 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.9894 of 2021

S.Vijaya

... Petitioner

Vs.

1. The Commissioner for Municipal Administration,
11th Floor, Urban Administrative Building,
(Opp.CIBA BDG, 75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai, Tamil Nadu 600 028.
2. The Regional Director of Municipal Administration,
Jeeva Complex, Second Floor, No.1, Grand Souther Trunk Rd.,
Tambaram West, Tambaram, Chennai.
3. The Commissioner, Pallavaram Municipality,
3rd Main Road, Pallavaram New Colony,
Chrompet, Chennai 600 044.
4. The Town and Country Planning Officer of
Pallavaram Municipality,
3rd Main Road, Pallavaram New Colony,
Chrompet, Chennai 600 044.



W.P.No.9894 of 2021

5. Chitradevi

6. Raguraman

7. Rajaraman

8. The Inspector of Police, S12,
Chitalapakkam Police Station,
Chitalapakkam, Chrompet, Chennai-44.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to act in furtherance of the stop work notice dated 10.08.2020 issued to the fifth respondent under the District Municipalities Act, under Sec.199, 209, 216(1) (2), 313, 317 for the illegal building constructed at the schedule premises and pray into direct the third respondent to lock and seal and demolition the illegal building constructed by the fifth and sixth, seventh respondent in the schedule mentioned property, consequently direct the eighth respondent to give in protection to the third respondent during the demolishing of the illegal building in the schedule mentioned property.

For Petitioner : Mr.A.Senthil Manohar

For Respondents : Mr.Vijay Anand, Addl.Govt.Pleader
for Respondents 1, 2 and 8

Mr.P.Srinivas, Standing Counsel
for Respondents 3 and 4

Mr.A.Umasankar for R5 and R6



W.P.No.9894 of 2021

ORDER

WEB COPY (Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This writ petition has been filed to direct the third respondent to act in furtherance of the stop work notice dated 10.08.2020 issued to the fifth respondent under the District Municipalities Act, under Sec.199, 209, 216(1) (2), 313, 317 for the illegal building constructed at the schedule premises and pray into direct the third respondent to lock and seal and demolition the illegal building constructed by the fifth and sixth, seventh respondent in the schedule mentioned property, consequently direct the eighth respondent to give in protection to the third respondent during the demolishing of the illegal building in the schedule mentioned property.

2. The learned counsel appearing for the petitioner submitted that, pending writ petition, the respondents 5 and 6, viz. N.Chitradevi and N.Raghuraman, had filed a writ petition in W.P.No.7560/2023, wherein, this petitioner was one of the parties viz., sixth respondent. In the above writ petition, this Court, vide order dated 09.03.2023, has passed the following order.



WEB COPY



W.P.No.9894 of 2021

" 2. Recording the submissions and the endorsement made by the learned counsel appearing for the petitioners, this writ petition is dismissed the above writ petition as withdrawn with liberty to the petitioners (R5 and R6 herein) to file an appeal under Section 452 of the Coimbatore City Municipal Corporation Act before the Standing Committee, Town Planning, within a period of three weeks from the date of receipt of a copy of the order. On such filing, the Standing Committee, Town Planning, is directed to consider the same and dispose the Appeal filed by the petitioners, within a period of four months from the date of receipt of the appeal. Till orders are passed in the appeal, the respondents 1 to 3 are restrained from taking any coercive steps against the petitioners. If no appeal is filed within the time limit granted by this Court, it is open to the respondents 2 and 3 to initiate proceedings as per law. "

He further submitted that in the light of the above said order, Appeal has been filed by the respondents 5 and 6 herein, and the same is pending before the appellate authority. Therefore, no further order is required to be passed in this Writ petition.

3. The submission made by the learned counsel for the petitioner is recorded.



W.P.No.9894 of 2021

4. Inview of the subsequent events taken place, pending Writ Petition,

no further order is required to be passed in the present writ petition.

Therefore, this writ petition is dismissed. It is needless to say that the petitioner can make her objection before the Appellate Authority, if she so advised.

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

16.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

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Page 5 of 7



W.P.No.9894 of 2021

WEB COPY

4. The Town and Country Planning Officer of
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W.P.No.9894 of 2021

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W.P.No.9894 of 2021

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