



WEB COPY

W.P.No.9410 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.9410 of 2023

and

W.M.P.No.9489 of 2023

M/s.Unaitted Builders Consultants (P) Limited,
Rep. by its Authorised Signatory,
S.Subramani,
Cheran Towers,
No.78, Arts College Road,
Coimbatore – 641 018.

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Coimbatore,
P-14, 1109, Big Bazaar Street,
Near TK Market, Town Hall,
Coimbatore – 641 001.

2.The Assistant Engineer (Planning),
Central Zone,
Corporation of Coimbatore,
P-14, 1109, Big Bazaar Street,
Near TK Market, Town Hall,
Coimbatore – 641 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records



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in pursuance of the Impugned Notice dated 15.03.2023 issued by the 2nd Respondent to the Petitioner in respect of the property situated at Door No.1090/1619, Trichy Road, Coimbatore – 641 018 and quash the same.

For Petitioner : Mr.T.Thiageswaran
for Ms.Waraon and Sai Rams

For Respondents : Mr.D.Ferdinand
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner is challenging the notice dated 15.03.2023 issued by the 2nd respondent under Sections 274(1) and 284 of the Coimbatore City Municipal Corporation Act, 1981.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.D.Ferdinand, learned Standing Counsel, who takes notice for respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.



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4.The learned counsel appearing for the petitioner submitted that the building in question was constructed 25 years earlier. In view of the age of the building, the petitioner is carrying out interior renovation as well as painting outside the building, by taking all the precaution and safety measures. The impugned notice is arbitrary and is without merits. The learned counsel further submitted that some of the portions in the basement, ground and first floors were sold to ICICI Bank Limited on 17.11.1995, to ECGC India Limited on 28.02.1996, to one T.Valliammai on 17.09.2008 and to RBF Nidhi Ltd on 28.12.1995. The area mentioned by the 2nd respondent in the impugned notice is not car parking area and it has been sold to ICICI Bank Limited, ECGC India Limited, one T.Valliammai and to RBF Nidhi Ltd and the petitioner is not the owner of the said properties. The petitioner has given explanation dated 16.03.2023 to the 2nd respondent with regard to usage of car parking area as commercial area and that he is not using the car parking area as commercial area.

5.As per Section 274(1) of the Coimbatore City Municipal Corporation Act, 1981, (hereinafter referred to as 'the Act') any construction or re-construction work can be done only after obtaining



permission from the 1st respondent. From the averments in the affidavit filed by the petitioner in support of the present Writ Petition, according to the petitioner, he is carrying repair work inside and outside the building. The petitioner has not obtained any permission from the authorities as contemplated under Section 274(1) of the Act. In view of the same, the petitioner is not entitled for the relief sought for in the present Writ Petition. It is open to the petitioner to file an application under Section 274(1) of the Act to the respondents 1 & 2 for carrying out the repair work, within a period of one week from the date of receipt of a copy of this order. If any such application is filed under Section 274(1) of the Act, the respondents 1 & 2 are directed to consider the said application within a period of two weeks from the date of receipt of a copy of the application.

6. With the above observations, the Writ Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (V.L.N., J)
28.03.2023

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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