



WEB COPY



W.P.No.13324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.13324 of 2023

AND

W.M.P.No.13025 of 2023

R.Vilvasigamani

.. Petitioner

Vs.

1.The District Collector
Coimbatore

2.The Member Secretary/Joint Director
District Town Planning Authority
Coimbatore, Local Planning Office
First Floor, Corporation Complex
Dr.Nanjappa Salai, Coimbatore 641 018

3.The Tahsildar
Sulur Taluk Office
Sulur 641 402, Coimbatore District

4.The Executive Officer
Pallapalayam Panchayat Office
Pappampatti Salai, Pallapalayam
Coimbatore District



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5.K.P.Senthil Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 herein to take action against the 5th respondent for having commenced the commercial structure over site No.32, “The Garden Retreat Layout” in Oddarpalayam Village, Palladam Taluk, Coimbatore District, comprised in Survey Field No.250/2, by removing the unauthorised illegal structure.

For Petitioner	:	Mr.K.V.Babu
For R1 to R3	:	Mr.E.Vijay Anand Additional Government Pleader
For R4	:	Mr.M.Murali Government Advocate

ORDER

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

The petitioner has come out with the present writ petition for a direction to the respondents 1 to 4 herein to take action against the 5th respondent, by removing the unauthorised commercial construction.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 and Mr.M.Murali, 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.



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3. According to the petitioner, he purchased Plot No.11 in the layout named “The Garden Retreat” situated at Oddarpalayam Village, Palladam Taluk, Coimbatore District, on 17.08.2007. In the said layout, the 5th respondent also purchased Plot No.32 on 20.02.2013. Due to his various activities at Chennai, the petitioner is residing in Chennai. But, he used to come to Coimbatore to visit the said plot. While such visit, the petitioner found that the 5th respondent is laying foundation for erecting pillars in his site *i.e.*, plot No.32, for the purpose of putting up a godown. The entire layout is intended to be promoted as house sites. Since the said commercial construction would cause adverse effect to other plot owners, the petitioner through his counsel, submitted an application on 14.02.2023 to the 4th respondent under the Right to Information Act, 2005, as to whether the 5th respondent obtained permission for constructing godown. As there was no reply from the 4th respondent, the petitioner's counsel addressed a letter dated 01.04.2023 to the Chief Minister's Grievance Cell to redress the grievance, marking a copy to all the respondents. Upon receipt of the said letter dated 01.04.2023, the 5th respondent stopped his further erection of pillars. During the absence of the petitioner in Coimbatore, the 5th respondent, being an influential person in the said locality, may commence the construction and complete the same for commercial purpose. Hence, the petitioner has come out with the present petition.



4. Heard the learned counsel for the parties and perused the materials available on record.

5. Considering the submissions made by the learned counsel for the parties, the respondents 2 and 4 are directed to inspect the property in question within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as the 5th respondent and if found any unauthorised commercial building has been put up by the 5th respondent in the residential area, the respondents 2 and 4 are directed to take appropriate action against the 5th respondent as per the provisions and in accordance with law, within a period of eight weeks thereafter.

With the above directions, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

(V.M.V.,J.) (V.L.N.,J.)
27.04.2023

Index : Yes/No
Neutral citation : Yes/No
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