



WEB COPY

W.P.No.2525 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.2525 of 2018

and

W.M.P.No.3080 of 2018

N.Ravichandran

.. Petitioner

Vs.

1.The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore – 641 001.

2.The Director,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore – 641 012.

3.K.Ananthanarayanan

4.K.Manikandan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to take necessary action against the unauthorized construction of the 3rd and 4th respondents' site at D.No.14, 15, City



Centre, R.S.Puram, Coimbatore, in 777, Block No.21, Ward-8, Coimbatore Corporation by considering the petitioner's representation dated 14.11.2017 as per the TAMIL NADU TOWN AND COUNTRY PLANNING ACT.

For Petitioner	: Mr.N.Chinnaraj
For R1	: Mr.Najeeb Usman Khan
For R2	: Mr.E.Vijay Anand Additional Government Pleader

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to take necessary action against the unauthorized construction put up by respondents 3 & 4 in their site at D.No.14, 15, City Centre, R.S.Puram, Coimbatore, in 777, Block No.21, Ward-8, Coimbatore Corporation, by considering his representation dated 14.11.2017 as per the Tamil Nadu Town and Country Planning Act, 1971.

2.According to petitioner, he and his brother Ananthakumar are jointly owning a property at East Arokiasamy Road, RS Puram, nearby



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Sri Annapoorna Hotel, Coimbatore. The respondents 3 & 4, who are the owners of the site at D.No.14, 15, East Arokiasamy Road, RS Puram, Opp. to Sri Annapoorna Hotel, Coimbatore, have constructed building above 2nd floor, each floor consisting more than 1000 sq.ft, without obtaining building approval from the Corporation. The father of the petitioner viz., C.P.Natarajan, made application under Right to Information Act, 2005 and got the information from the office of the 2nd respondent by the letter dated 21.08.2013, stating that the planning approval given for the site belonging to respondents 3 & 4 is for stilt floor, ground floor, first floor and second floor, for 350 sq.ft in each floor. After the death of his father on 16.10.2013, the petitioner made representation to the respondents 1 & 2 on 14.11.2017 to take necessary action against the said illegal construction. Till now, no action has been taken by the respondents 1 & 2. Hence, the petitioner has come out with the present Writ Petition.

3.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent and perused the entire materials on record.



4.This Court on 06.02.2018, directed the 1st respondent to file a status report enclosing a copy of the FMB sketch / lay out / topo sketch and it was abundantly made clear that the pendency of the Writ petition will not preclude the respondents 1 & 2 to take necessary steps for removal of the unauthorised construction. Till today, the 1st respondent has not filed any status report. In view of the same, the respondents 1 & 2 are directed to issue notice to the respondents 3 & 4 and inspect the property in question within a period of two weeks from the date of receipt of a copy of this order and if any unauthorised construction is found, the respondents 1 & 2 are directed to take steps for removal of unauthorised construction as per law, within a period of four weeks thereafter, after giving opportunity to the petitioner and respondents 3 & 4. Since, we are directing the respondents 1 & 2 to take action against the respondents 3 & 4, we are dispensing with the notice for the respondents 3 & 4.

5.If no steps are taken by the respondents 1 & 2 within the time fixed by this court, The Commissioner, Corporation of Coimbatore, Coimbatore – 641 001, 1st respondent herein has to be present before this Court on 07.06.2023.



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6. With the above directions, the Writ Petition is disposed of.

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

7. Post the matter 'For Reporting Compliance' on 07.06.2023.

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

09.03.2023

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE: Issue order copy on 15.03.2023.

To

1. The Commissioner of Corporation,
Corporation of Coimbatore,
Coimbatore – 641 001.

2. The Director,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore – 641 012.



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