



WEB COPY



W.P.No.21513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.21513 of 2023

V.Eswaramurthy

... Petitioner

Vs.

1.The Commissioner
Coimbatore City Municipal Corporation
Coimbatore.

2.The Deputy Commissioner
Coimbatore City Municipal Corporation
North Zone
Dr.Bala Sundaram Road
Opp. To Women's College of Technology
Coimbatore.

3.Jothimani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 20.02.2023 and to remove the unauthorized construction of the 3rd respondent in the residential Plot No.60, Kamaraj Nagar Krishnarayapuram Village, North Taluk, Coimbatore, within a time frame to be specified by this Court.



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For Petitioner : Mr.D.Jayasekar

For Respondents : Mr.D.Ferdinand
Standing Counsel for RR1 & 2

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 20.02.2023 and to remove the unauthorized construction of the 3rd respondent in the residential Plot No.60, Kamaraj Nagar, Krishnarayapuram Village, North Taluk, Coimbatore, within a time frame to be fixed by this Court.

2.Heard, Mr.D.Jayasekar, learned counsel appearing for the petitioner and Mr.D.Ferdinand, learned Standing Counsel appearing for the respondents 1 and 2. Though Court notice sent to the 3rd respondent has not been served, private notice taken by the petitioner got served on the 3rd respondent. However, there is no representation for the 3rd respondent today.

3.It is the case of the petitioner that he is the absolute owner of the Plot No.62, Kamaraj Nagar, Coimbatore, which was classified as residential plot.



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The 3rd respondent, without obtaining building approval from the Coimbatore Corporation has planned and started to construct a Women's hosteland a food court in the address mentioned above, which has caused great hindrance to the residents of Kamaraj Nagar. Hence, the petitioner sent a detailed representation dated 20.02.2023 to the respondents 1 and 2. Since no action has been taken on the side of the respondents 1 and 2, the petitioner has filed the present Writ Petition.

4.The learned Standing Counsel appearing for the respondents 1 and 2 would submit that as against the representation of the petitioner dated 20.02.2023, action has been taken and notice under Section 296 (1) of the Coimbatore Corporation Act, 1981 has been issued to the 3rd respondent herein.He would further submit that it would suffice if a direction is issued to the respondents 1 and 2 to complete the proceedings within a time frame to be fixed by this Court.

5.In view of the fact thatbased on the representation of the petitioner dated 20.02.2023, the official respondents have issued noticeunder Section 296 (1) of the Coimbatore Corporation Act, 1981, this Court without



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expressing any opinion on the merits of the matter, directs the respondents 1 and 2 to afford due opportunity to the parties concerned and thereafter take appropriate action in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order
Neutral Citation : Yes / No
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(J.N.B, J.) (N.M, J.)
19.09.2023

To
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and
N.MALA,J.

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