



WEB COPY



W.P.No.23815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 23815 of 2023
and W.M.P.No.23328 of 2023

Manjula

..Petitioner

Vs.

1. The Commissioner,
Mettupalayam Municipality,
Coimbatore District.

2.A.Ahmed Mohideen

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in impugned notices in Na.Ka.No.2917/2009/F1, dated 29.03.2023, Na.Ka.No.2917/2009/F1 dated 10.04.2023 and Na.Ka.No.3469/2017/F1 dated 19.07.2023 issued by the 1st respondent and to quash the same.

For Petitioner : Mr.T.Karunakaran

For Respondents : Mr.B.Anand for R1
Standing Counsel
Mr.R.Veeramani for R2

ORDER

Page No:1/6



W.P.No.23815 of 2023

(Order of the Court was made by J.Nisha Banu,J.)

WEB COPY

Seeking to quash the impugned notices made in Na.Ka.No.2917/2009/F1, dated 29.03.2023, Na.Ka.No.2917/2009/F1 dated 10.04.2023 and Na.Ka.No.3469/2017/F1 dated 19.07.2023 issued by the 1st respondent/ the Commissioner, Mettupalayam Municipality, the petitioner has preferred the present writ petition.

2. It is averred in the writ petition that the petitioner and the 2nd respondent are owning immovable properties that are adjacent to each other. Both the petitioner as well as the 2nd respondent are alleging against each other that the other person has put up superstructure in violation of Rules and Regulations and contrary to G.O.M.S.No.175 dated 14.07.2006. They have also initiated legal proceedings by way of filing suit as well as writ petitions before this Court and this Court had passed orders to inspect the properties of the petitioner as well as the 2nd respondent and to take appropriate action to determine if there is any violation of Rules and Regulations.

3. Meanwhile, the 2nd respondent had filed a writ petition in



W.P.No.23815 of 2023

W.P.No.2953 of 2018, seeking to disconnect EB supply and demolish the unauthorised constructions made by the petitioner. This Court, vide order dated 15.03.2023, had disposed of the writ petition by directing the Commissioner, Mettupalayam Municipality to inspect the subject property and to take appropriate action in accordance with law. It is relevant to extract Paragraph No.10 of the said order, which reads as under:

“10.In view of the above submissions made by the learned counsel appearing for the parties, the 1st respondent is directed to inspect the properties of the petitioner as well as the respondents 4 and 5 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 respondents 4 and 5 and if any deviation and unauthorized construction is found as stated in the counter affidavit, the 1st respondent is directed to take appropriate action, within a period of eight weeks thereafter. The 1st respondent is also directed to take appropriate proceedings, if the approval granted by the 1st respondent is contrary to G.O.Ms.No.175, Department of Housing and Urban Development, dated 14.07.2006, for cancelling the approval, after hearing the respondents 4 and 5”.

4. Today when the matter is taken up for hearing, the learned Standing



W.P.No.23815 of 2023

Counsel appearing for the first respondent/Mettupalayam Municipality submitted that action will be taken as per the orders of this Court dated 15.03.2023 in W.P.No.2953 of 2018 and in compliance to the direction of this Court, he had also filed a counter affidavit, in which paragraph Nos. 6 and 7 reads as follows:

“6. This respondent submits that in view of the stand taken by petitioner that this respondent did not comply with the order of this Hon'ble Court dated 15.03.2023 made in W.P.No.2953 of 2018, the impugned notices bearing Na.Ka.No.2917/2009/F1, dated 29.03.2023, Na.Ka.No.2917/2009/F1 dated 10.04.2023 and Na.Ka.No.3469/2017/F1 dated 19.07.2023 issued to petitioner, K.Chandrasekar and second respondent are withdrawn by the letter dated 09.11.2023 bearing Na.Ka.No.3082/2023/F1 informing them that inspection of their properties will be conducted as per orders this Hon'ble Court for further action.

7. This respondent submits that in as much as the impugned notices are withdrawn the writ petition has become infructuous. The respondent will take action as per the order of this Hon'ble Court dated 15.03.2023 made in W.P.No.2953 of 2018.”



W.P.No.23815 of 2023

5. Considering the counter affidavit filed on behalf of the first respondent /Mettupalayam Municipality that the impugned notices are withdrawn, which is the subject matter for challenge in this writ petition, this Court is of the opinion that no further adjudication is required in this writ petition. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
21.12.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

To
The Commissioner,
Mettupalayam Municipality,
Coimbatore District.



WEB COPY



W.P.No.23815 of 2023

J.NISHA BANU,J.

And

N.Mala,J.

msv

**W.P.No. 23815 of 2023
and W.M.P.No.23328 of 2023**

21.12.2023