



W.P.No.3644 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.3644 of 2020
and
W.M.P.No.4288 of 2020
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1. P.Parimala
2. P.Rajasekaran
3. P.Divakar
4. P.Priya
(Petitioners 1 to 4 are rep. by
Power Agent A.A.Mohammed Nazar)

.. Petitioners

Vs.

1. The Secretary,
Municipal and Water Supply Department,
St.George Fort,
Chennai-600 009.
2. The Commissioner,
Corporation of Chennai,
Town Hall,
Coimbatore-641 001.
3. The Assistant Commissioner,
Central Division,
Corporation of Coimbatore,
Coimbatore-641 018.
4. The Officer of Town Planning,
Corporation of Coimbatore,
Town Hall, Coimbatore-641 001.

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5. The Member Secretary,
Local Planning Authority,
Corporation Shopping Complex,
First Floor, Raju Naidu Street,
Sivananda Colony,
Coimbatore-641 012.
6. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai-9.
7. Saravana Selvarathinam Retail Private Limited,
Rep. by its Managing Director Mr.Saravana Arul,
Door No.195/5, Oppanakara Veethi,
Coimbatore-641 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent 1 to 6 to take immediate action to demolish the unauthorised construction put up by the seventh respondent in Door No.195/5, Oppanakara Veethi, Coimbatore.

For petitioners : Mr.R.Shanmugam

For respondents : Mr.E.Vijay Anand, Addl.G.P. for RR-1, 5 and 6

Mr.K.Magesh for RR-2 to 4

Mr.G.karthikeyan for R-7



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ORDER

(The Order of the Court was made by D.Krishnakumar, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent 1 to 6 to take immediate action to demolish the unauthorised construction put up by the seventh respondent in Door No.195/5, Oppanakara Veethi, Coimbatore.

2. When the Writ Petition is taken up for hearing, the following officials are present:

- (i) Mr.R.Raja Guru, Joint Director (i/c), DTCP, Coimbatore.
- (ii) Mr/Ms. K.Sathiya, Assistant Town Planning Officer, Central Zone, Coimbatore Corporation.

3. The learned Standing Counsel appearing for respondents 2 to 4 produced a letter dated 27.06.2023 addressed by the Assistant Director, Member Secretary/Joint Director (in-charge), Coimbatore, to the Additional Government Pleader, stating as follows:

"As per Court order the 7th respondent filed the Appeal to Government vide 8th cited letter. In 2nd cited letter the Government decided to give two

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months of time to rectifying the deviation and to file revised planning permission and desealed the building for the above purpose. As per government letter the 7th respondent filed revised approved plan to Coimbatore Local Planning Authority on dated 26.07.2019. In 3rd cited letter Directorate of Town and Country Planning issued the technical concurrence on 23.09.2019 and Planning permission issued by Coimbatore Local Planning Authority vide 4th cited letter after rectifying the violation.

Tmt.Parimala and 3 others filed the case against M/s.Saravana Selvarathinam in W.P.No.3644 of 2020. Member Secretary/Joint Director (i/c) inspected the site on 23.06.2023. At the time of inspection they found the details below:

As per Tamil Nadu Coimcombined Development Building Rules 2019, Rule No.35(b):

Rule No.	Parameter	Required	As per Revised Approved Plan	As per Field condition	Status
35(b) Sl.No. 1.b	Maximum Height	18.3m	17.84m	17.60m	satisfied
35(b) Sl.No. 1.D.i	Front set-back	4.5m	7.06m	7.00m	satisfied
35(b) Sl.No. 1.D.ii	Side set-back	3m	3.62m 3.27m	3.55m 3.32m	satisfied
35(b) Sl.No. D.ii	Rear set-back	3m	3.26m	3.16m	satisfied
	Length of building		49.88m	50.18m	satisfied
	Width of the building		22.78m	22.93m	satisfied



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In field condition dimension variation found in Building which is within the tolerance limit as per TNCDBR 2019 Annexure XXIII (see Rule 20(6)) as per Revised Approved Plan and two lift provisions not provided as per approved in the basement to ground floor and stair case is modified in the basement floor plan. As per approved plan there is no changes in other floors. There is no major violation in the building as per TNCDBR, 2019."

4. Learned counsel appearing for the seventh respondent has undertaken that the minor violations will be rectified within a period of two months from today. Thereafter, the fifth respondent/Member Secretary of the Local Planning Authority, Coimbatore, shall inspect the property in question and find out as to whether the above undertaking given by the seventh respondent before this Court, has been complied with or not. Recording the above undertaking, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(D.K.K., J) (P.D.B., J)
28.06.2023

CS

To

1. The Secretary,

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Municipal and Water Supply Department,
St.George Fort,
Chennai-600 009.

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2. The Commissioner,
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Coimbatore-641 001.
3. The Assistant Commissioner,
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5. The Member Secretary,
Local Planning Authority,
Corporation Shopping Complex,
First Floor, Raju Naidu Street,
Sivananda Colony,
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6. The Additional Secretary (Technical),
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D.KRISHNAKUMAR, J



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and

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