



WEB COPY



W.P.No.37413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.P.No.37413 of 2024

R.Ramakrishnan

... Petitioner

Vs.

1.The Corporation Commissioner,
Coimbatore Corporation,
Big Bazaar Street,
Coimbatore – 641 001.

2.The Corporation Assistant Commissioner,
The Corporation West Zone,
Western Region,
Coimbatore – 641 002.

3.K.Madhanakumari

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent and 2nd respondent to consider the petitioner's representation dated 15.11.2024 and 29.11.2024 and consequently, direct the 2nd respondent to stop the unauthorised construction and initiate appropriate action to remove all illegal



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construction work carried on by the 3rd respondent at Site No.81 (Plot No.81), Gurusamy Nagar, 4th Layout, Survey No.232/2G1, 235/2, Ward No.38 (WEST ZONE), Vadavalli, Coimbatore, within the time frame fixed by this Court.

For Petitioner : M/s.S.Vasavi Sridevi
For R1 and R2 : Mr.N.Umapathi
Standing Counsel
for Coimbatore Corporation

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representations dated 15.11.2024 and 29.11.2024 and consequently, direct the 2nd respondent to stop the unauthorised construction and initiate appropriate action to remove all illegal construction work carried on by the 3rd respondent at Site No.81 (Plot No.81), Gurusamy Nagar, 4th Layout, Survey No.232/2G1, 235/2, Ward No.38 (WEST ZONE), Vadavalli, Coimbatore.



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2.The grievance of the petitioner is that he had already submitted representations to the respondents 1 and 2 on 15.11.2024 and 29.11.2024.

He also produced before this Court the information furnished by the Assistant Commissioner of Coimbatore Corporation stating that the 3rd respondent has put up construction in violation of the building permission obtained. It is also stated that the Corporation has already taken action for the unauthorised construction. In these circumstances, the petitioner has come by way of the above writ petition.

3.The grievance of the petitioner is that the official respondents, though have indicated that action had been taken against the unauthorised construction, have not stopped the construction and the construction has proceeded in violation of the approved plan. The learned counsel for the petitioner requested this Court to grant an injunction restraining the 3rd respondent from proceeding with construction, while directing the respondents to consider petitioner's representations.

4.This Court is unable to countenance the submission of the learned



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counsel for the petitioner that there should be an order of injunction restraining the 3rd respondent from proceeding with the construction till such time the representation of the petitioner is considered by the official respondents. This Court is not in a position to ascertain whether the 3rd respondent has applied for revised plan or not. This Court is also unable to find from the pleadings, whether the construction by the 3rd respondent is in violation of Building Regulations. The petitioner appears to be a neighbour and his grievance may be relating to side set back or other deviations affecting his right of easement. It is always open to the petitioner to approach the Civil Court for appropriate relief, in case his right of easement is affected by the offending construction. As regards the representation of the petitioner, the statutory authorities namely respondents 1 and 2 are required to consider whether the construction is in accordance with the approved plan or not.

5.Hence, this Court is inclined to dispose of this writ petition with a direction to the respondents 1 and 2 to consider the petitioner's representations dated 15.11.2024 and 29.11.2024 and initiate appropriate



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action if required after hearing the 3rd respondent and pass appropriate orders
on merits and in accordance with law. No costs.

(S.S.S.R., J.) (P.D.B., J.)
09.12.2024

mkn

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

- 1.The Corporation Commissioner,
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Big Bazaar Street,
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- 2.The Corporation Assistant Commissioner,
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S.S. SUNDAR, J.



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and
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