



W.P.No.36057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.36057 of 2024

R.Soundararajan
S/o. Late N.Ramasamy,
Door No. 10/11,
Agrahara Street, Near Vao Office,
Irugur Post, Sulur Taluk,
Coimbatore District -641 103.

Petitioner(s)

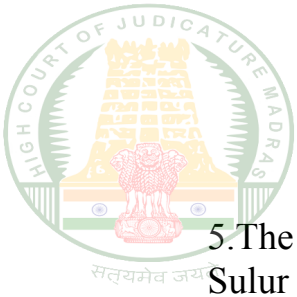
Versus

1.The Member Secretary
Coimbatore Local Planning
Authority, 1st Floor, Raju Naidu
Street, Corporation Commercial
Complex, Sivananda Colony,
Coimbatore -641 012.

2.The District Collector,
Office Of The District Collecorate,
Coimbatore.

3.The Block Development Officer,
Sulthanpet, Sulur, Coimbatore.

4.The Executive Officer,
Irugur Village And Town Panchayat,
Sulur Taluk, Coimbatore.



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5.The Tahsildar,
Sulur Taluk, Sulur.

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6.Mr.B.Sekar,
S/o.Late N. Balasubramaniam, Door
No. 10/12, Agarhara Street, Near
VAO Office, Irugur Post, Sulur
Taluk, Coimbatore District -641 103.

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Mandamus, to direct the official respondents to demolish the illegal toilet structure, septic tank etc, being, erected in the exclusive passage to the Petitioners plot No.10/11, agrahara street, Near VAO office, Irugur Post, Sulur Taluk, Coimbatore District -641 103 in violation of the sanctioned building plan issued in Roc. No. 730/2024,BA No. 104/2024 dated 14.08.2024 and bring the building in conformity with the sanctioned building plan of the 6th respondent in accordance with the Tamil Nadu Combined Development and Building Rules, 2019 based on the Petitioners representation dated 14.11.2024 within a time frame to be stipulated by this Court.

For Petitioner(s): Mr.R. Bharath Kumar

For Respondent(s): Mr. R. Kumaravel, AGP For
R1,3 and 4
Mr. M.Rajendran,AGP For R2
and R5
M/s. V.S. Usha Rani For R6



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ORDER

(By J.Nisha Banu,J.)

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This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the official respondents to demolish the illegal toilet structure, septic tank etc, being, erected in the exclusive passage to the Petitioners plot No.10/11, Agrahara street, Near VAO office, Irugur Post, Sulur Taluk, Coimbatore District -641 103 in violation of the sanctioned building plan issued in Roc. No. 730/2024,BA No. 104/2024 dated 14.08.2024 and bring the building in conformity with the sanctioned building plan of the 6th respondent in accordance with the Tamil Nadu Combined Development and Building Rules, 2019 based on the Petitioners representation dated 14.11.2024 within a time frame to be stipulated by this Court.

2. According to the petitioner, the 6th respondent got the building plan approval from the 1st respondent for construction of residential building, viz., 964.66 sq.ft. in ground floor and 743.79 sq.ft. in first floor in total 1518 sq.ft. in Plot No.10/12, Agrahara Street owned by him. The



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grievance of the petitioner is that the 6th respondent, deviating the building plan, instead of constructing the building within the plot, illegally encroached upon the exclusive passage to the petitioner's plot and started constructing a toilet and blocking the exclusive passage and the erection of the septic tank and toilet is very near to the petitioner's house entrance, posing health hazard. Therefore, the petitioner made a representation 14.11.2024 to the official respondents, seeking to take action against the 6th respondent towards his illegal construction, which evoked no response. Hence the Writ Petition.

3. This Court, vide order dated 21.12.2024, directed the 4th respondent to inspect the site in question and file a report as to whether there is any encroachment over the three feet common pathway situated on the North of the property of the 6th respondent. However, this order was not complied with and again, vide order dated 26.03.2025, directed the 2nd respondent to look into the matter and initiate appropriation action and ensure that the report is filed.

4. Pursuant to the above, a status report, dated 6.1.2025 has been filed by the 4th respondent, stating that it was found that construction had



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exceeded the dimensions and specifications approved in the sanctioned plan, however, the 6th respondent has given a letter dated 27.12.2024 denying unauthorized construction and a notice dated 31.12.2024 has been issued to the 6th respondent to remove the unauthorized construction beyond the permissible as per the plan within a period of 15 days. It is further stated that if notice for removal of unauthorized construction is not complied with, it will be proceeded with the removal of unauthorized construction in accordance with law and directions from this Court.

5. The 6th respondent has specifically denied any unauthorized construction. Therefore, the 4th respondent is directed to inspect the subject building premises in the presence of both the petitioner and the 6th respondent by giving prior intimation of the inspection to both parties and note down the deviations and illegal constructions if any made and if so, take appropriate action, within a period of 12 weeks from the date of receipt of a copy of this order.



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AND
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5. With the above direction, this Writ Petition is disposed of. No costs.

(J.N.B.J.,) (M.J.R,J.,)
09.07.2025

Index: Yes / No

Internet: Yes / No

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To:

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Coimbatore Local Planning
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