



W.P.No.8550 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.8550 of 2026
and WMP No.9242 of 2026

S.Thomas Florance
S/o. Selvaraj,
No.42A, Holy Family House,
GK. Square, Kuruchi, Sundarapuram,
Coimbatore South,
Coimbatore-641 024.

Petitioner(s)

Vs

1. The Commissioner
Coimbatore Corporation,
Coimbatore.
2. The Assistant Commissioner
South Zone, Coimbatore Corporation,
Coimbatore-641 018.
3. The Assistant Town Planning Officer
South Zone, Kuniyamuthur,
Coimbatore-641 008.



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4. Brigit Albhonse
W/o. Christopher Vedhanayagam,
No.20, G.K. Square, Kuruchi,
Sundarapuram, Coimbatore-641 024.

5. Christopher Vedhanayagam,
S/o. Michael Samy,
No.20, G.K. Square, Kuruchi,
Sundarapuram, Coimbatore-641 024.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to take immediate action against the unauthorised, illegal, and unlawful construction put up by respondents 4 and 5 measuring an extent of 950 sq. ft. at Plot No.3, Western Portion in S.F. No.129, G.K. Square, Kuruchi, Coimbatore District, by considering the petitioner's representations dated 02.09.2025, 30.10.2025 and 24.11.2025 in accordance with law within a time frame.

For Petitioner(s): Mr.M.Ganesh

For Respondent: Mr.N.Umapathi
Standing Counsel
for R1 to R3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to direct respondent Nos.1 to 3 to take immediate action against the unauthorised, illegal, and unlawful construction put up by respondents 4 and 5 measuring an extent of



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950 sq. ft. at Plot No.3, Western Portion in S.F. No.129, G.K. Square, Kuruchi, Coimbatore District, by considering the petitioner's representations dated 02.09.2025, 30.10.2025 and 24.11.2025.

2. It is submitted by learned counsel for the petitioner that respondent Nos.4 and 5 have put up unauthorised construction in contravention of the building plan permission and by encroaching upon the petitioner's land as well as public road. It is further submitted that, while putting up the said construction, the private respondents have damaged the pipeline connection of the petitioner. In this regard, though representations were sent to the respondent authorities on 02.09.2025, 30.10.2025 and 24.11.2025, no action has been taken till date.

3. Whether or not the private respondents have encroached upon the land of the petitioner can be determined only based on evidence to be led by the parties. Such disputed questions of fact cannot be redressed by invoking writ jurisdiction. That apart, it is not in dispute that seeking identical relief the petitioner has already filed a civil suit before the District Munsif Court, Mudukkarai,



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Coimbatore. Once the petitioner has filed a civil suit seeking identical relief, he cannot initiate parallel proceedings by knocking the doors of this court seeking invocation of discretionary jurisdiction under Article 226 of the Constitution of India.

4. In such view of the matter, the writ petition is dismissed with liberty to pursue the suit before the civil court. There shall be no order as to costs. Consequently, interim application stands closed.

We make it clear that we have not made any observation on the merits of the matter. The civil court shall decide the suit on merits, uninfluenced by any observations made in this order.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
09.03.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

WEB COPY

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Coimbatore Corporation,
Coimbatore.
2. The Assistant Commissioner
South Zone, Coimbatore Corporation,
Coimbatore-641 018.
3. The Assistant Town Planning Officer
South Zone, Kuniyamuthur,
Coimbatore-641 008.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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