



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.06.2015
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No. 10589 of 2015
and
M.P. (MD) No. 1 of 2015

L.G. Sarath Inigo

...Petitioner

Vs.

1. The District Collector,
Collectorate,
Kokirakullam,
Tirunelveli-627 009.
2. The Directorate of Town
and Country Planning
represented by its
Commissioner,
No. 807, Anna Salai,
Chennai-600 002.
3. The Local Planning Authority-
Tirunelveli, represented by its
Member Secretary,
No. 108, Trivandram Road,
Tirunelveli-627 002.
4. The Commissioner,
Tirunelveli City Municipal
Corporation,
S.N. High Road,
Tirunelveli-627 001.
5. The Executive Engineer
Tirunelveli City Municipal
Corporation,
S.N. High Road,
Tirunelveli-627 001.
6. Tmt. Vijayalakshmi
The Partner,
Hotel Raams Parks,
Plot No. 25, Jebanagar
Vasanthapuram South Street,
Melapalayam Post,
Tirunelveli-627 005.



7. Tmt. Rani
The Partner,
Hotel Raams Parks,
Plot No.25, Jebanagar
Vasanthapuram South Street,
Melapalayam Post,
Tirunelveli-627 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents 1,2,3,4 and 5 to take necessary steps to stop the usage of illegal construction made by the Respondents 6 and 7 herein Plot No.25, Jebanagar, Vasanthapuram South Street, Melapalayam Post, Tirunelveli-627 005 and to demolish the same in accordance with Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971; and Sections 272, 274, 284, 296 and 297 of the Tirunelveli City Municipal Corporation Act, 1994.

For Petitioner : Mr.J.Ashok for
M/s.Jeyapaul Associates

For Respondents : Mr.Aayiram K.Selvakumar
Government Advocate for R4&R5

Mrs.S.Bharathi,
Government Advocate,
for R1 to R3

ORDER

This writ petition has been filed for a Writ of Mandamus directing the Respondents 1,2,3,4 and 5 to take necessary steps to stop the usage of illegal construction made by the Respondents 6 and 7 herein Plot No.25, Jebanagar, Vasanthapuram South Street, Melapalayam Post, Tirunelveli-627 005 and to demolish the same in accordance with Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971; and Sections 272, 274, 284, 296 and 297 of the Tirunelveli City Municipal Corporation Act, 1994.

2. In the area classified as Primary Residential Area, the respondents 6 and 7 are constructing commercial complexes, despite repeated representations made by the petitioner, without obtaining any prior approval from the concerned authorities. The learned counsel for the petitioner submits that the authorities issued demolition notices and in spite of the same, the construction activities are going on. Hence, the petitioner is before this Court.



3. Heard the learned counsel for the petitioner as well as the learned Government Advocates, who took notice for the respondents 1 to 5.

4. Considering the facts and circumstances of the case, the respondents 1 to 5 are directed to consider the case of the petitioner, verify all the relevant documents related to the permission granted for construction of complexes, and thereafter take appropriate action in accordance with law, after due notice to the petitioner as well as all the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Kokirakullam, Tirunelveli-627 009.

2. The Commissioner,
Directorate of Town
and Country Planning
No. 807, Anna Salai, Chennai-600 002.

3. The Member Secretary,
Local Planning Authority-Tirunelveli,
No. 108, Trivandram Road,
Tirunelveli-627 002.

4. The Commissioner,
Tirunelveli City Municipal Corporation,
S.N. High Road, Tirunelveli-627 001.

5. The Executive Engineer
Tirunelveli City Municipal Corporation,
S.N. High Road, Tirunelveli-627 001.
+1cc to MR. J. Ashok, Advocate Sr. No. 33468
+1cc to MR. Aayiram K. Selvakumar, Advocate Sr. No. 34460
+1cc to Spl. Government Pleader, Sr. No. 34347
km
AA/16.07.2015/3p- 9c/

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