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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.18265 of 2015

C.R.Umapathy

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Sreerangam Division,
Tiruchirappalli.

3.The Member Secretary,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No.F1/TheeA120/2014 dated 21.05.2015 and quash the same is illegal.

For Petitioner

: Mr.M.Ajmal Khan, SC
for M/S.T.Lenin Kumar

For Respondents

:Mr.N.S.Karthikeyan
Additional Government Pleader.

ORDER

(Order of the Court was made by **R.SUDHAKAR,J.**)

The petitioner aggrieved by proceedings initiated by Tiruchirappalli City Municipal Corporation in respect of deviation of a building, the present writ petition has been filed. On the question of deviation issue, the petitioner has filed an appeal before the Standing Committee in terms of Section 452 of the Coimbatore City Municipal Corporation Act, 1981 which is applicable to the Tiruchirappalli City Municipal Corporation as well.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Though the writ petition has been filed for a larger relief, learned Senior Counsel appearing for the petitioner submits that it would be suffice if the appeal filed by the petitioner, dated 05.10.2015, is directed to be disposed of by the Standing Committee, viz., appellate authority, within a stipulated time.



3.Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents would submit that if a direction is issued to the Appellate Authority, the authority shall consider the appeal and appropriate orders will be passed on the same, in accordance with law.

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4.In view of the above, the writ petition is disposed of directing the appellate authority to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to file an application before the Appellate Authority seeking to suspend the proceedings initiated for demolition of the building pending appeal which shall also be considered by the Appellate Authority. It is desirable that the authorities shall refrain from taking coercive action till the application seeking to suspend the said proceedings is filed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli.
- 2.The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Sreerangam Division,
Tiruchirappalli.
- 3.The Member Secretary,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli.
- 4 The Chariman, Standing Committee,
Tiruchirappalli city Municipal Corporation, Tiruchirappalli.

+1cc to M/S. T.Lenin Kumar, Advocate in SR.No 59524

+1cc to M/S.N.S.Karthikeyan, Advocate in SR.No 59317

TS/09.10.2015/2P - 7C KBM/SAR -II

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