



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.19495 of 2015
and
MP(MD) No. 1 of 2015

G.Ramamoorthi

... Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Town and Country Planning
Anna Salai, Chennai 600 002.
- 2.The Member Secretary/Assistant Director,
Tiruchirappalli Local Planning Authority,
No.10, Williams Road, Cantonment,
Tiruchirappalli 620 001.
- 3.Tiruchirappalli City Municipal Corporation,
represented by its Commissioner,
Cantonment, Tiruchirappalli 620001.
- 4.S.Srinivasan
- 5.The President,
Maharvir Residency A Block
10th B Cross, ThillaiNaga West Extension,
Tiruchirappalli 620 018.
- 6.The President,
Maharvir Residency B Block
10th B Cross, ThillaiNaga West Extension,
Tiruchirappalli 620 018.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records culminated in the impugned notice dated 8.10.2015 in Rc. No. 1546/2011/TLPA-2 on the file of the 2nd respondent and quash the same as illegal, unenforceable, ultravires without jurisdiction and by way of Mandamus directing the respondents 1 to 3 to take action against the 4th respondent in respect of properties comprised in T.S.No. 5/3A and 5/3B Ward D Block No.19 situated at 10th B Cross Thillainagar West Extension, Tiruchirappalli 620 018.

For 3rd Respondent

: Mr.N.S.Karthikeyan

ORDER

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

WEB COPY Challenging the impugned notice dated 08.10.2015 issued by the Assistant Director, Tiruchirappalli Local Planning Authority, the second respondent herein, the present writ petition has been filed.

2. Similar issue was considered by us in a batch of writ petitions in W.P.(MD)No.14762 of 2015 etc. batch, and those writ petitions were disposed of by a common order, dated 07.10.2015. The operative portion of the common order, dated 07.10.2015, is as under:

"14. In view of the above, we dispose of the writ petitions with the following order:

(a) In cases where the writ petitioners, who have filed appeals, challenging the impugned proceedings, along with an application for interim relief, the Government is directed to take up the applications for interlocutory orders for hearing and dispose of the same at the earliest, preferably by two weeks.

(b) Wherever appeals have been filed before the Government without interlocutory applications, the petitioners in those cases are entitled to make an application for interlocutory relief within two weeks from the date of receipt of a copy of this order, which shall be disposed of by the Government, at the earliest, preferably by two weeks.

(c) In cases where no appeals have been filed by any one of the petitioners, they would be entitled to file an appeal, along with an application for interim relief, within two weeks from the date of receipt of a copy of this order and interlocutory applications in those cases shall be disposed of by the Government, at the earliest, preferably by two weeks.

(d) The petitioners in each one of the cases shall furnish the details of appeal memorandum and interlocutory petitions duly filed and acknowledgment by the Government, to the respondent authority, by proper letter, informing the date and number of the appeal and the interlocutory petition filed. If any interlocutory order is granted in their favour, the same shall also be intimated to the respondent authority, forthwith. If the writ petitioners do not give or fail to furnish details of appeals/interlocutory petitions or, the interlocutory orders to the respondent authorities, in the proper manner, within seven days from the date of filing of the appeals or grant of interim orders, the respondent authorities will be entitled to proceed further in the matter as per the notices. In all the cases, further hearing of the appeals/interlocutory applications to be intimated to the respondent authority from time to time.

(e) If proper details are not furnished to the respondent authority, the authorities are entitled to pursue the matter, per law.

(f) In case, no appeal, along with application for interim relief is filed within the time prescribed as above,



the respondent authorities are entitled to proceed further, without any reference to this Court.

15. In view of the above directions, till the appeals are filed and the interlocutory applications are disposed of by the Government within the time limit indicated, the respondent authorities shall refrain from taking further coercive action. Pending appeal proceedings before the Government, none of the petitioners be entitled to put up any further construction or modification of the buildings or use the buildings in violation of the approved plans. No order as to costs. Connected miscellaneous petitions are closed.

The same order will apply to this writ petition also.

3. The writ petition is disposed of, accordingly. No order as to costs. Consequently, M.P(MD) No.1 of 2015 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The Commissioner,
Tamil Nadu Town and Country Planning
Anna Salai, Chennai 600 002.

2. The Member Secretary/Assistant Director,
Tiruchirappalli Local Planning Authority,
No.10, Williams Road, Cantonment,
Tiruchirappalli 620 001.

+1CC to Mr.K.S.Shankhar Murali ,Advocate SR.No.63276
+1CC to The Special Government Pleader, SR.No.63421.

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and MP(MD) No. 1 of 2015
28.10.2015

AM/05.11.2015/KBM/3P/5C