



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) .No.17840 of 2016

T.Vasanthakumari

... Petitioner

Vs

1.The District Collector,
Trichy.

2.The Commissioner,
Trichy Corporation, Trichy.

3.The Local Planning Officer,
Trichy Corporation, Trichy.

4.Periyasamy

5.Shiva

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the illegal/unauthorised construction put up by the respondents 4 and 5 without any prior permission in Shop.No.342 situated Periyakadai Street, Trichy Town, Trichy District belonging to the petitioner herein by considering the petitioner's representation dated 29.07.2016.

For Petitioner :Mr.AL.Kannan

For R.1 :Mr.M.Murugan

Government Advocate

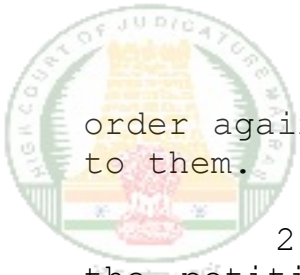
For R.2&3 : Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

<https://hcservices.ecourts.gov.in/hcservices/> By consent, the Writ Petition itself is taken up for final disposal. Since this Court is not going to pass any adverse



order against the private respondents herein, notice is not issued to them.

2. Learned Counsel for the petitioner would submit that the petitioner owns shop Nos.341 to 343 situated in S.No.940, Periyakadai Street, Trichy Town, Trichy District. In the year 2002, shop Nos.342 and 343 were leased out to the fourth respondent, temporarily, for the purpose of selling crackers during the festival season and he has also obtained requisite license. However, despite the said period is over, the fourth respondent neither vacate the premises nor pay the lease amount. But, he along with the fifth respondent herein, who is a Member of the Political Party, threatens the petitioner to sell the property in question for a paltry sum. It is the further submission of the learned Counsel for the petitioner that without getting any permission, whatsoever, the fourth respondent also demolished the building of the petitioner and started putting up superstructure, without obtaining any planning permission from the second and the third respondents and in this regard, the petitioner submitted a representation to the respondents 1 to 3 and despite the receipt of the same, no response is forth coming from them. Hence, the petitioner came forward with this present Writ Petition.

3. Learned Government Advocate appearing for the official respondents would submit that in order to prove the ownership of the property in question, the petitioner has not produced any document in the typed set of papers. However, appropriate action will be taken after putting notice to the private respondents herein.

4. This Court heard the rival submissions and perused the typed set of papers produced before us.

5. Though the petitioner has prayed for a larger relief in this Writ Petition in the light of the facts and circumstances and without going into the merits of the matter, as projected by the petitioner, this Court directs the second respondent to consider and dispose of the representation of the petitioner, dated 29.07.2016, on merits and in accordance with law, after putting on notice, the respondents 4 and 5, and pass orders, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken thereon, to the respondents 4 and 5, forthwith.

6. This Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (W)



ssm

To:

1.The District Collector,
Trichy.

2.The Commissioner,
Trichy Corporation, Trichy.

3.The Local Planning Officer,
Trichy Corporation, Trichy.

+1CC to Spl.Government Pleader Sr.No.54707

+1CC to Mr.AL.Kannan, Advocate Sr.No.53746

GJM/ss2/3.10.16-3p-6c

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