



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11985 of 2014

and

M.P. (MD) .No.1 of 2014

C.Saravanan : Petitioner
Vs.

1.The Member Secretary / The District Collector,
Tiruchirapalli Local planning Authority,
Tiruchirapalli.

2.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner revised plan application dated 18.07.2014 and respondents not to take any coercive steps of lock and sealing and demolition of petitioner building situated in the Ward No.G, Block No.20, Town Survey No.1, Door No.65-F of North Tharanallur, Tiruchirapalli Corporation.

For Petitioner	: Mr.C.lakshmanan
	For Mr.k.K.Ramakrishnan
For Respondent No.1	: Mr.M.Govindan
	Special Government Pleader
For Respondent No.2	: Mr.N.S.Karthikeyan

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner has put up a building in the Ward No.G, Block No.20, Town Survey No.1, Door No.65-F of North Tharanallur, Tiruchirapalli Corporation.

2.The construction is admittedly in violation of what was approved. Even though the writ petitioner is not having any approval for putting up floors beyond the ground floor in the



first floor, he would made strange claim in the affidavit filed in support of the writ petition that he was orally permitted by the authorities. The writ petitioner appears to have gone ahead with the construction. He has thereafter filed a revised application to the respondent. But prayer in the writ petition is that the authorities should be directed to consider his revised application that they should not take coercive steps such as lock and sealing and demolition till the same is considered.

3.The writ petitioner cannot seek to restrain authorities from carrying out the statutory obligations. If the writ petitioner has put up any illegal construction, it is not only open to the authorities, but it is their duty to act in the matter. This Court cannot tie hands of the authorities in such case. It is for the writ petitioner to work out his remedied in the manner known to law. He cannot file a writ petition for forbearing the authorities from discharging their statutory obligations. There is no merit in the writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Member Secretary / The District Collector,
Tiruchirapalli Local planning Authority,
Tiruchirapalli.

+1cc to Mr.N.S.Karthikeyan Advocate in SR. No. 72990
TSG
JS/KP/SAR.1/6.11.2017/2P-3C

Order made in
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