

**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.17320 of 2014
and
M.P. (MD) .No.1 of 2014

V.Ezhumalai

.. Petitioner

Vs.

1. The Assistant Director/Member Secretary,
Town and Country Planning,
Tiruchirappalli Local Planning Authority,
10, Williams Road, Cantonment,
Tiruchirappalli-620 001.
2. Tiruchirappalli City Municipal Corporation,
represented by its Commissioner,
Cantonment, Tiruchirappalli-620 001.
3. The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
K.Abisekapuram Zone,
Tiruchirappalli 620 017.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records culminated in the impugned notice dated 24.09.2014 in Rc.No.1161/2013/TLPA/R2 on the file of the 1st respondent and quash the same as illegal, unenforceable, ultravires without jurisdiction and pass such other suitable orders which are deemed fit and necessary in the nature and circumstance of the case.

For petitioner : No appearance

For R1 : Mr.M.Govindan
Special Government Pleader

For R2 and R3 : Mr.N.S.Karthikeyan

**ORDER**

[Order of the Court was made by **K.K. SASIDHARAN, J.**]

The notice issued by the Tiruchirapalli Local Planning Authority under Section 56(2A) of the Tamil Nadu Town and Country Planning Act, 1971, is under challenge in this writ petition, at the instance of the petitioner.

2.The petitioner obtained planning permit for construction of a building unit, more particularly, two houses in the ground floor. However, in total contravention of the approved plan, the petitioner constructed 14 houses in the ground, first floor, second floor and the third floor. Though notice was issued by the Local Planning Authority to stop the work, it was not taken seriously by the petitioner and ultimately, after completion of the building, the Local Planning Authority issued notice for locking and sealing.

3.The petitioner has not disputed the statement made by the Member Secretary, Tiruchirapalli Local Planning Authority that the building was constructed without adhering to the sanctioned plan.

4.The petitioner has put up a building in total violation of the sanctioned plan and permit. We are informed that there is arterial violation also committed by the petitioner.

5.The petitioner has come up with a contention that he has already made an application for retention of the building and as such, the Local Planning Authority was not correct in taking enforcement action. There is absolutely no merit in the said contention.

6.The petitioner appears to have no regard to the Building Regulations, which are made only for compliance and not for non-compliance. There is no question of showing indulgence to a person like the petitioner, who has no respect to the laws. We therefore, dismiss the writ petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director/Member Secretary,
Town and Country Planning,
Tiruchirappalli Local Planning Authority,
Tiruchirappalli-620 001.



2. The Commissioner,
Tiruchirappalli City Municipal Corporation,
Cantonment, Tiruchirappalli-620 001.

3. The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
K.Abisekapuram Zone,
Tiruchirappalli 620 017.

+1cc to Mr.Shankar Murali, Advocate in SR.No.72818

+1cc to Mr.N.S.Karhikeyan, Advocate in SR.No.72989

Ns

AE/SV MMS/SAR1/11.09.2017/3P/6C

ORDER MADE IN
W.P(MD)No.17320 of 2014
and
M.P. (MD) .No.1 of 2014
17.08.2017