



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos.17542 and 20015 of 2014

and

M.P. (MD) .Nos.1,1 and 2 of 2014

W.P. (MD) No.17542 of 2014:

Baby Saroja

: Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli Corporation,
Trichy.

2.The Assistant Commissioner,
K.Abhishekapuram Zone,
Tiruchirapalli Corporation,
Trichy.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned temporary eviction order dated 09.10.2014 and the impugned confirmed order dated 09.10.2014 and the consequential charge sheet No.F1, dated 24.10.2014 passed by the second respondent and quash the same.

For Petitioner

: Mrs.Lakshmi Gopinathan,
For M/s.Polax Legal Solutions

For Respondents

: Mr.N.S.Karthikeyan

W.P. (MD) No.20015 of 2014:

A.Dawood Bi

: Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
Tiruchirapalli Municipal Corporation,
Trichy.



3.The Assistant Commissioner,
K.Abishegapuram Zone,
Tiruchirapalli City Corporation,
Trichy.

4.The Town Planning Officer,
Trichy.

5.Baby Saroja

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the construction put up by the fifth respondent in Survey No.74, Trichy contrary to the approved building plan of the third respondent in his proceedings in B.P.No.327/2014, dated 31.07.2014.

For Petitioner	: No Appearance
For Respondent No.1	: Mr.M.Govindan, Special Government Pleader
For Respondents 2to4	: Mr.N.S.Karthikeyan
For Respondent No.5	: Mrs.Lakshmi Gopinathan, For M/s.Polax Legal Solutions

C O M M O N O R D E R

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

W.P. (MD)No.17542 of 2014:

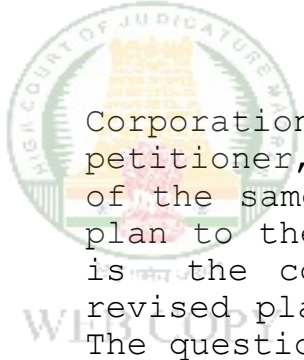
The challenge in this Writ Petition is to the stop work notice issued by the Tiruchirapalli Corporation dated 09 October, 2014, directing the petitioner to adhere to the planning permission and not to construct beyond the area permitted by the Local Body.

2. The learned counsel for the petitioner contended that the petitioner has not received the notice and as such, there is no cause of action for the respondents to proceed further.

3. The order under challenge is only a stop work notice. The Corporation appears to have not issued further notices, in view of the interim order granted by this Court.

4. The learned Standing Counsel for the Tiruchirappalli Corporation, on instructions, submitted that as against the building plan obtained by the petitioner for construction of 1004.86 square feet, she constructed 1848 square feet. There is no other violation noticed by the Local Body.

5. The learned counsel for the petitioner seeks liberty to submit a revised plan to the Corporation. According to the learned counsel, the building was constructed within the land owned by the petitioner and as such, absolutely, there is no violation. The



Corporation, on verification of the area in the possession of the petitioner, confirmed that there is no act of encroachment. In view of the same, we give liberty to the petitioner to submit a revised plan to the Tiruchirappalli Corporation. The second respondent, who is the competent authority to sanction plan, shall consider the revised plan and pass appropriate orders on merits and as per law. The question of taking further action by the Corporation would arise only in case the revised application for planning permission is rejected.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

W.P.(MD)No.20015 of 2014:

7. The Corporation has already taken action against the fifth respondent. We have also permitted the petitioner in W.P.(MD) No.17542 of 2014, who is the fifth respondent in W.P.(MD)No.20015 of 2014, to submit a revised plan. In view of the order in W.P.(MD) No.17542 of 2014, further orders are not necessary in this Writ Petition.

8. The Writ Petition is closed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Commissioner,
Tiruchirapalli Municipal Corporation,
Trichy.
- 3.The Assistant Commissioner,
K.Abishegapuram Zone,
Tiruchirapalli City Corporation,
Trichy.
- 4.The Town Planning Officer,
Trichy.

+1cc to Mr.S.BASKAR MATHURAM Advocate in SR. No. 76286

+2cc to Mr.N.S.KARTHIKEYAN Advocate in SR. No.75967,75968

SML

JS/MR.KKR/SAR.4/19.09.2017/3P-8C

Common Order made in

W.P. (MD) Nos.17542 and 20015 of 2014