



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.04.2017
CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.22659 of 2015
& M.P. (MD) No.1 of 2015

N.Kannan

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Corporation,
Cantonment,
Tiruchirappalli - 620 001.

2.The Assistant Commissioner,
K.Abhisekapuram Circle,
Puthur,
Tiruchirappalli - 17.

3.Mr.Kadher Batcha, S/o.Abdul Kadher

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate action regarding the illegal and unauthorised construction by the third respondent herein in S.No.61/2B, Part [Plot No.63 Part], Uyyankondanthirumalai Village of Tiruchirappalli District, based on the representation of the petitioner, dated 07.12.2015, in respect of the said unauthorised construction.

For Petitioner : Mr.R.Sundar Srinivasan
For R1 & R2 : Mr.N.S.Karthikeyan
Additional Government Pleader

For R3 : Mr.M.Siddharthan

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

The petitioner, who claims to be a neighbour of the third respondent, seeks a direction to the respondents 1 and 2 herein to take appropriate action regarding the illegal and unauthorised construction put by the third respondent herein in S.No.61/2B, Part [Plot No.63 Part], Uyyankondanthirumalai Village of Tiruchirappalli District, based on his representation, dated 07.12.2015.



2.It is submitted that when the petitioner raised objection to the said illegal construction by the third respondent and demanded him to put up construction in accordance with the Building Rules, by leaving requisite open space on all the sides, as per Corporation norms, the third respondent did not heed to the same. It is further submitted that though the petitioner has given a representation, dated 07.12.2015, till date, no reply has been sent to the petitioner.

3.The respondent Corporation though have been served with notice in the Writ Petition, till date, they have not chosen to file counter affidavit nor given instruction to the Standing Counsel.

4.Thus, we are inclined to take serious view of the matter and draw adverse inference. Therefore, considering the complaint given by the petitioner, there will be a direction to the first respondent to consider the same and before consideration of the complaint, the inspection of the building shall be done after issuing notice to the petitioner and the third respondent and thereafter, the first respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,
Tiruchirappalli City Corporation,
Cantonment,
Tiruchirappalli - 620 001.

2.The Assistant Commissioner,
K.Abhisekapuram Circle,
Puthur,
Tiruchirappalli - 17.

+1 CC to Mr.R.Sundar Srinivasan, Advocate, SR No. 52555

SMN2

PSM/KP/02.05.2017/2P/4C

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