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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **05.09.2017**
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13342 of 2017
and
W.M.P.(MD).No.10400 of 2017

Venkatachalam : Petitioner

Vs.

1. The Commissioner,
   Tiruchirappalli City Corporation,
   Tiruchirappalli.

2. The Assistant Commissioner,
   Tiruchirappalli City Corporation,
   Tiruchirappalli.

3. Jambunathan

4. Dhanalakshmi : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents one and two to demolish the unauthorized construction made in No.15, Melaulvithi, Thiruvanikovil, Trichy-620 005, within the time stipulated by this Court.

For Petitioner : Mr.C.Deepak
For R.1 & R.2 : Mr.N.S.Karthigeyan
Standing Counsel
For R.3 & R.4 : Mrs.J.Anandhavalli

O R D E R

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

This writ petition has been filed for directing the respondents 1 & 2 to demolish the unauthorized construction made in No.15, Melaulvithi, Thiruvanikovil, Trichy-620 005.

2.The writ petitioner and the private respondents are neighbours. The said respondents 3 & 4 had filed O.S.No.470 of 2003, before the I Additional District Munsif, Trichy, against the

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writ petitioner in respect of the Western side wall and the same was also decreed. The writ petitioner has filed an appeal, questioning the said decree. Therefore, the submission of the learned counsel appearing for the private respondents that this writ petition is an out-come of malice appears to be justified.

3.The learned Standing Counsel appearing for the respondents 1 & 2 submitted that the Corporation has already issued Stop Work notice on 13.07.2017.

4.Therefore, considering the nature of construction put up by the respondents 3 & 4 and the pendency of the civil dispute between the parties, we do not wish to issue any direction as prayed for. It is also submitted by the learned counsel appearing for the respondents three and four that the building plan has already been submitted for approval. It is the duty of the respondents 1 & 2 to take follow up action in the manner known to law.

5.With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
   Tiruchirappalli City Corporation,
   Tiruchirappalli.

2. The Assistant Commissioner,
   Tiruchirappalli City Corporation,
   Tiruchirappalli.

+1cc to Mr.C.Deepak, Advocate Sr.No.76817

TSG

VB/MR/KKR/SAR4/09/11/2017/2P/4C

Order made in
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