



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Seventh day of April Two Thousand and Eighteen

PRESENT

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The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice R.THARANI

REV.APLW(MD) No.14 of 2018
in
W.P.(MD)No.2822 of 2018
and
WMP(MD)No.7566 of 2018

A.AMAL ANTONY ... APPLICANT / 3rd RESPONDENT

Vs

1 T.V.AANAND ... 1st RESPONDENT / PETITIONER

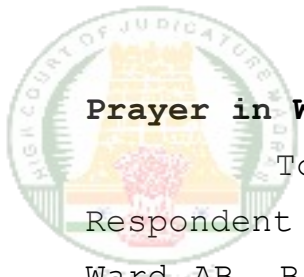
2 MEMBER SECRETARY/ ASSISTANT DIRECTOR,
TIRUCHIRAPPALLI LOCAL PLANNING AUTHORITY,
TIRUCHIRAPPALLI - 620 001.

3 THE COMMISSIONER,
TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION,
TIRUCHIRAPPALLI - 620 001. ... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to review the judgment dated 13.02.2018 in W.P(MD) No. 2822 of 2018.

Prayer in WP(MD) . 2822/ 2018 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorari calling for the records culminated in the proceedings in
the impugned order in Rc.No.206/2018 (TLPA-2) dated 06.02.2018 on
the file of the 1st respondent and quash the same as illegal,
unenforceable, ultravires without authority, without jurisdiction.



Prayer in WMP(MD) . 7566/ 2018 :

To pass an interim order of injunction restraining the 1st Respondent from putting up further construction in T.S.No. 8/2M, Ward AB, Block NO. I, Door No. 30, 30A and 30B State Bank officers colony, Lawsons Road, Ponmalai Zone, Trichy City Corporation, Tamil Nadu pending disposal of this Writ Petition.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SIVABALAN, Advocate for the petitioner and of M/S.A.JAYAKUMAR, Additional Government Pleader for R1 and of M/S.N.S.KARTHIKEYAN, Advocate for R3 the court made the following order:-

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

Heard Mr.K.Sivabalan, learned counsel appearing for the review petitioner.

2.The review applicant was the third respondent in the writ petition in W.P.(MD).No.2822 of 2018, which was filed by the first respondent herein, challenging the notice issued by the second respondent, Local Planning Authority, dated 06.02.2018.

3.On a technical ground, notice was set aside and a direction was issued to the Local Planning Authority to consider the revised plan filed by the first respondent/writ petitioner. There was also a direction to inspect the first respondent/writ petitioner's building and other apartment complexes and buildings having multiple floors in the area. The review applicant filed an appeal before the Hon'ble Supreme Court in S.L.P(Civil)No.7009 of 2018, which was disposed of by order dated 26.03.2018, giving liberty to move review application before this Court, so that he can be heard and appropriate order can be passed in accordance with law.



4.We have heard the learned counsel for the review applicant and the learned Additional Government Pleader appearing for the second respondent and Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the third respondent Corporation.

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5.The petitioner's grievance is that though notice dated 06.02.2018 was set aside, there was further direction issued by this Court in the writ petition and the Court at no point of time permitted the unauthorized construction to go on. Further, it is submitted that taking advantage of the order passed in the writ petition, the first respondent is proceeding further with the construction and the Local Planning Authority has not taken any action as per the direction issued in the Writ Petition.

6.Considering the said submission, there shall be a direction to the second respondent to forthwith stop all construction activities done by the first respondent/writ petitioner and file counter affidavit before this Court, regarding the action taken by them pursuant to the direction issued in the writ petition, dated 13.02.2018.

7.Notice to the first respondent/writ petitioner through Court as well as privately for the hearing on 08.06.2018

8.Post the Review Application on 08.06.2018.

sd/-
27/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 MEMBER SECRETARY/ ASSISTANT DIRECTOR,
TIRUCHIRAPPALLI LOCAL PLANNING AUTHORITY,
TIRUCHIRAPPALLI - 620 001.

2 THE COMMISSIONER,
TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION,
TIRUCHIRAPPALLI - 620 001.

+3. C.C. to M/S.K.SIVABALAN Advocate SR.No.7502.

ORDER
IN
REV.APLW(MD) No.14 of 2018
in
W.P.(MD)No.2822 of 2018
and
WMP(MD)No.7566 of 2018

Date :27/04/2018

SDS/VR/VK/27.04.2018/3P/6C