



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.332 of 2018
and
W.M.P (MD) No.353 of 2018

A.Amal Antony

.. Petitioner

Vs.

1.The District Collector,
Local Town Planning Authority,
Tiruchirappalli - 620 001.

2.The Commissioner of
Tiruchirappalli City Corporation,
Tiruchirappalli.

3.The Chief Engineer,
Tamil Nadu Electricity Board,
Thennur, Trichy - 620 017.

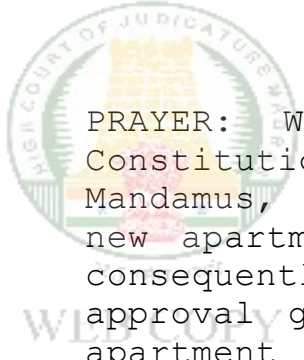
4.The Deputy Director of Town and Country Planning,
Trichy Region, Kajamalai,
Tiruchirappalli - 620 021.

5.The Assistant Director/Member Secretary,
Town and Country Planning,
Tiruchirappalli City Corporation,
Tiruchirappalli - 620 017.

6.The Deputy Director,
Central Region,
Fire and Rescue Services,
Tiruchirappalli - 620 001.

7.Manghalam Properties,
Manghalam Towers,
No.09, Reynolds Road Cantonment,
Tiruchirappalli - 620 001.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the seventh respondent from constructing of new apartment in Trichirappalli, Ponmalai Zone, Ward No K, and consequently, directing the respondent Nos.1 to 6 to cancel the approval granted to the seventh respondent for constructing new apartment and take appropriate action as per law, based on petitioner's representation, dated 30.04.2017.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.A.Muthukaruppan
1 and 4 to 6 Additional Government Pleader.

For 2nd Respondent : Mr.N.S.Karthikeyan,
Standing Counsel.

For 3rd Respondent : Mr.S.M.S.Johny Basha,
Standing Counsel.

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition itself, is taken up for final disposal.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader, accepts notice, on behalf of the respondents 1, 4, 5 and 6, Mr.N.S.Karthikeyan, learned standing counsel, accepts notice on behalf of the second respondent and Mr.S.M.S.Johny Basha, learned standing counsel, accepts notice on behalf of the third respondent.

3.The petitioner claims to be a resident of Door No.12/16, State Bank Officers Colony, Cantonment, Tiruchirappalli - 620 001, and he is also a practicing Advocate in Trichy Bar and he came forwarded to file this writ petition, as a Public Interest Litigation, stating among other things, that the area in which his residence is located, there is an approach road, starting from Lawsons Road, which leads to State Bank Officers Colony. According to the petitioner, the said road is the only approach road for the ingress and egress to the said Colony and Lawsons Road, which connects the State Bank Officers Colony, is having a breadth of 24.93 feet, where it begins and it gradually reduces to 18.37 feet. It is the specific case of the petitioner that the seventh respondent misrepresenting about the width of the road, managed to get a Planning Permission and started putting up a double storeyed construction. The petitioner has also submitted a representation dated 30.04.2017, contending general allegations and also obtained information under the Right to Information Act, stating that in respect of twelve apartments in the State Bank



Officers Colony and Win Paradise, Completion Certificate and Occupancy Certificate, are not yet issued.

4.The learned counsel appearing for the petitioner has also drawn the attention of this Court to the letter of the sixth respondent, dated 27.06.2017, in O.Mu.No.3732/A1/2017, and would submit that the inspection was carried out, on 24.05.2017, and it was found that the road is very narrow one and it does not permit two vehicles to travel at a time and the local residents also engaged the services of watchmen to regulate the traffic.

5.The learned counsel appearing for the petitioner, in the light of the materials placed before this Court, prays for appropriate orders.

6.Per contra, the learned standing counsel appearing for the second respondent/Corporation would submit that the persons, who obtained Planning Permission, are expected to construct the superstructure, strictly in accordance with the Planning Permission and only the relevant norms and regulations are adhered to, while Planning Permission is given, especially, for multi-storeyed building and would further add that the representation submitted by the petitioner, contains only the vague and general allegations.

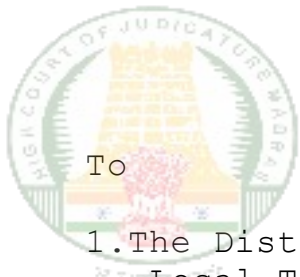
7.This Court has heard the submissions of the learned Additional Government Pleader, appearing for the respondents 1 and 4 to 6, also.

8.Though, the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by him either in his representation or in this writ petition, directs either the second respondent or the delegated official, along with the fifth respondent, shall put on notice to the seventh respondent and cause inspection of the superstructure being put up, as per photograph No.1, available at page No.9 of the typed-set of documents, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law, within a further period of ten weeks, thereafter and inform the decision taken, to the petitioner as well as to the seventh respondent.

9.The writ petition stands disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)



To

- 1.The District Collector,
Local Town Planning Authority,
Tiruchirappalli - 620 001.
- 2.The Deputy Director of Town and Country Planning,
Trichy Region, Kajamalai,
Tiruchirappalli - 620 021.
- 3.The Chief Engineer,
Tamil Nadu Electricity Board,
Thennur, Trichy - 620 017.
- 4.The Deputy Director of Town and Country Planning,
Trichy Region, Kajamalai,
Tiruchirappalli - 620 021.
- 5.The Assistant Director/Member Secretary,
Town and Country Planning,
Tiruchirappalli City Corporation,
Tiruchirappalli - 620 017.
- 6.The Deputy Director,
Central Region,
Fire and Rescue Services,
Tiruchirappalli - 620 001.

Copy to: Manghalam Properties,
Manghalam Towers,
No.09, Reynolds Road, Cantonment,
Tiruchirappalli - 620 001.

+1CC to Mr.N.S.Karthikeyan, Advocate, SR.No. 41631
+1CC to Mr.K.Sivabalan, Advocate, SR.No. 41296
+1CC to the Special Government Pleader SR.No.41481

ORDER MADE IN
W.P (MD) No.332 of 2018
and
W.M.P (MD) No.353 of 2018
09.01.2018

smn