



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.04.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.3424 of 2019
and W.M.P.(MD).No.2693 of 2019

John construction Private Ltd.,
Represented by the Director,
No.96 Royar Thoppu,
Srirengam, Trichy - 6.

.. Petitioner

/Vs./

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
K.Abishekapuram Division,
Trichy Corporation, Trichy.

3.The Assistant Commissioner,
Town and Country Planning,
Trichy Corporation Building,
Trichy.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records, pertaining to the impugned order Na.Ka.No.F1/15220/18/20, dated 28.01.2019, issued by this 2nd respondent and quash the same as illegal and void and thereby directing these respondents to act as per the Trichy Corporation Act and other Relevant Act to array any deviation of the original plan.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.Saji Bino

M/s.J.Lakshmi Prasanna
Advocate Commissioner.

O R D E R

(Order of this court was made by **K.KALYANASUNDARAM, J.**)

This writ petition has been filed by the Promoter of the shopping complex challenging the notice of the Assistant Commissioner, Trichy Corporation, issued under Sections 296 (3), 382 (3) and 447 of Trichy Municipal Corporation Act, by which the Promoter was directed to remove the unauthorized construction within a period of three days.



2.Mr.F.X.Eugene, learned counsel for the petitioner would state that though the impugned order says that a Show Cause Notice, dated 27.10.2018 was issued, but infact the petitioner has not received any Show Cause Notice from the third respondent. The petitioner assails the impugned order mainly on the ground that the order came to be passed in violation of principles of natural justice.

3.Heard Mr.F.X.Eugene, learned counsel for the petitioner and Mr.Saji Bino, learned counsel for the respondents.

4.Considering the grievance expressed by the petitioner, this Court directs the petitioner to give a reply treating the impugned order as Show Cause Notice within a period of two days from the date of receipt of a copy of this order. On such receipt of reply, the second respondent shall consider the same and pass orders after providing an opportunity of personal hearing to the petitioner and other necessary parties, within a period of six weeks therefrom. Thereafter, the respondent shall take action in accordance with law.

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

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
K.Abishekapuram Division,
Trichy Corporation, Trichy.

3.The Assistant Commissioner,
Town and Country Planning,
Trichy Corporation Building, Trichy.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-58461[F] dated 02/04/2019)

+1 CC to M/s.SPL GP (SR-58561[F] dated 03/04/2019)

W.P. (MD) .No.3424 of 2019
02.04.2019