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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Friday, the Eighth day of June, Two Thousand and Eighteen
present

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

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. ..Respondents/Respondents

PRAYER IN REV.APLW(MD)NO.14 OF 2018:
This Review application is filed under Order Rule 1 and Section 114 of CPC praying to review the judgment dated 13.02.2018 in W.P (MD)No.2822 of 2018

PRAYER IN WP(MD).2822 OF 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.

ORDER: This Review Application is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Natarajan, learned Advocate for Mr.K.Sivabalan, Advocate for the Petitioner and Mr.M.Jayakumar, Additional Government Pleader for Respondent No.2 and Mr.Shangar Murali, Advocate for Respondent No.1, Mr.N.S.Karthikeyan, Advocate, Advocate appearing for Respondent No.3, this Court made the following order:

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

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We have heard Mr.S.Natarajan, learned counsel representing Mr.K.Sivabalan, learned counsel for the review applicant, Mr.Shangar

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Murali, learned counsel for the first respondent, Mr.M.Jeyakumar, learned Additional Government Pleader for the second respondent and Mr.N.S.Karthikeyan, learned Standing Counsel for the third respondent.

2. We have elaborately heard the learned counsels for the parties and to enable us to take a decision in this review application, we direct the following to be complied with.

(i) The second respondent, viz., the Member Secretary / Assistant Director, Tiruchirappalli Local Planning Authority, is directed to file an affidavit giving full details about the layout called "State Bank Officers' Colony". The original layout plan, the width of road leading to the road and all other relevant details should be placed before this Court on the next hearing date.

(ii) The first respondent is stated to have filed a revised plan, which is now pending before the second respondent. In response to the notice dated 30.05.2018, it appears that the first respondent has furnished the requisite information and the second respondent is yet to take a decision in the matter. The second respondent, in the affidavit to be filed, shall indicate as to the admissibility of the claim made by the first respondent requesting to grant revision of the planning permission already granted. It is made clear that the second respondent should not pass any orders, but should submit a report on the merits of the claim made by the first respondent in the revised plan.

(iii) The Commissioner, Tiruchirappalli City Municipal Corporation, is directed to constitute a team of Officers to inspect the road leading to the State Bank Officers' Colony from the Lawsons' Road. This inspection is necessary, because the review applicant had stated that the width of the road is statutorily required to be 9 meters. There is an allegation that at the time when the layout was approved in the year 1971, the width of the road was 9 meters. However, this submission will be verified, after the second respondent files the affidavit. One more reason for which we have directed inspection of the road is to ensure that adequate road width is available, since there are several apartment complexes in the State Bank Officers' Colony, though initially the said colony was developed as individual plots for construction of new flats. Therefore, in times of eventualities to the access of relief, facilities have to be ensured to the layout. Therefore, the Commissioner of the Tiruchirappalli City Municipal Corporation shall direct inspection to be done and the inspecting Officers shall prepare a sketch to scale and submit a report to this Court on the next hearing date.

(iv) In our order dated 13.02.2018, while we disposed of the writ petition filed by the first respondent herein, we had directed respondents 2 and 3 herein to not only inspect the building of the first respondent herein, but also other apartment complexes having multiple floors in the area, to ascertain as to whether there is any

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violation of the building plan approval granted to those apartment complexes. Therefore, respondents 2 and 3 are directed to file a report in this regard as to the other building apartment complexes in the area having multiple floors as to whether there is any deviation of the approved building plan.

3. Till the Court passes appropriate orders, the first respondent shall not effect any construction activities in the building in question.

4. List on 25.06.2018, at 02:15 p.m.

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

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

2 THE COMMISSIONER,
TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION,
TIRUCHIRAPPALLI.

COPY TO:
THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
(For Posting the case on 25.06.2018 at 2.15 P.M)

+1cc to Mr.K.SIVABALAN, Advocate, SR.No.67535

ORDER DATED:08.06.2018
NEXT HEARING DATE:25.06.2018

ORDER
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in
W.P(MD)No.2822 of 2018

Direction given etc as stated within.

KK/SKN RSK/SAR-2/11.06.2018/3P-5C

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