



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.19188 of 2019

and

W.M.P. (MD) No.15546 of 2019

M.G.Kulanthaivelu

... Petitioner

-VS-

1.The Commissioner,
Trichy Municipal Corporation,
Tirchy.

2.The Assistant Commissioner,
Trichy Municipal Corporation,
K.Abisekapuram Zonal,
Trichy.

3.The Inspector of Police,
Cantonment Police Station,
Trichy.

4.A.Muthumeenal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the unlawful construction of the 4th respondent in Plot No.60, T.S.No.80, Jeyanagar Extension, Karumandapam, Trichy - 620 001 in view of the 2nd respondent's order in Na.Ka.No.F1/549/2018 dated 01.04.2019.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents 1 & 2 : Mr.L.Saji Bino

For 3rd Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.M.Mohamed Sherbudeen, learned counsel appearing for the petitioner, Mr.L.Saji Bino, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of the 3rd respondent.

2.With the consent of either side, the Writ Petition itself is taken up for final disposal.

3.The petitioner by way of this Writ Petition designed as Public Interest Litigation, seeks action against the fourth respondent for unlawful construction in violation of the approved building plan.

4.The learned Standing Counsel appearing for the Trichy Municipal Corporation on instructions would submit that already 'stop work' notice has been issued and criminal prosecution has also been initiated and charge sheet is to be laid shortly and the third respondent police has been informed to take appropriate action to ensure that no construction is made by the fourth respondent.

5.Notice to the fourth respondent is dispensed with ,because the learned Standing Counsel appearing for the Trichy Municipal Corporation has submitted that already the fourth respondent was put on notice about the illegal construction.

6.If the respondent Corporation has initiated action against the fourth respondent and 'stop work' notice has been issued, they should ensure that the same is implemented effectively and it would not be sufficient to merely address to the third respondent. Therefore, we direct the fourth respondent to remove all the materials found in the premises immediately and the respondents 1 and 2 are directed to lock and seal the entire premises forthwith.

7.The Writ Petition is disposed of accordingly. Consequently, connected Writ Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar



To

1.The Commissioner,
Trichy Municipal Corporation,
Trichy.

2.The Assistant Commissioner,
Trichy Municipal Corporation,
K.Abisekapuram Zonal,
Trichy.

3.The Inspector of Police,
Cantonment Police Station,
Trichy.

+1 CC to M/s.M. MOHAMEDSHERBUDEEN, Advocate (SR-85358[F] dated
05/09/2019)

+1 CC to M/s.SPL GP (SR-85629[F] dated 06/09/2019)

W.P. (MD) No.19188 of 2019

and

W.M.P. (MD) No.15546 of 2019

04.09.2019

SJ

MS/23.09.2019/3P.6C