



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.02.2020
CORAM:
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) NO.21975 OF 2019
and
W.M.P (MD) No.18735 of 2019

Sadiq Ali :Petitioner

.vs.

1.The District Collector,
Trichy District,
Tiruchirappalli.

2.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli,
Trichy District.

3.Mr.Antony K.Arul Anse : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to take necessary steps to prevent the third respondent from opening the Ice Plant in Door No.10/88A, Kunee Bazaar, Beema Nagar, Tiruchirappalli City Municipal Corporation, Trichy District, without any license.

For Petitioner	:Mr.M.Jothi Basu
For Respondent-1	:Mrs. J.Padmavathi Devi Special Govt.Pleader
For Respondent-2	:Mr.N.S.Karthikeyan
For Respondent-3	:Mr.R.Sundar

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the second respondent to take necessary steps to prevent the third respondent from opening the Ice Plant in Door No.10/88A, Kunee Bazaar, Beema Nagar, Tiruchirappalli City Municipal Corporation, Trichy District without any license.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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3. According to the Petitioner, Beema Nagar is a residential area and there is a street called Kunee Bazaar running east to west. The third respondent herein has demolished a residential house and started a new construction after obtaining building plan approval by Proceedings, dated 23.10.2018. The Petitioner's residence is adjacent to the third respondent's house. Though it is informed that a commercial building is being constructed, but on verification, it was found that the third respondent is constructing an ice plant in the said premises, which requires license as per Section 369 of Coimbatore City Municipal Corporation Act, 1981.

4. Be that as it may, even otherwise, the third respondent has put up the construction in violation of the sanctioned plan. Therefore by proceedings in No.F1/601/2018, dated 6.11.2019, the second respondent had issued an order under Section 282(1 and 2) of the Tiruchirappalli Municipal Corporation Act, calling upon the 3rd respondent to demolish and remove the unauthorized construction put up, in deviation to the approved building plan. In the said order, it is stated that the 3rd respondent had not left any set back space, which is mandatory and as approved in the building plan approval. As the second respondent has already initiated action even for the demolition of the building in question, the Petitioner cannot have any grievance.

5. In the light of the above, the Writ Petition is closed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

The District Collector,
Trichy District,
Tiruchirappalli.

+1 CC to M/s.R.SUNDAR, Advocate (SR-6676[F] dated 17/02/2020)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-6696[F] dated 17/02/2020

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6672[F] dated
17/02/2020)

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and

W.M.P (MD) No.18735 of 2019

17.02.2020

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