



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

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THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.1422 of 2020

and

W.M.P(MD) Nos.1143, 4806 and 4808 of 2020

G.Shanmugasundar

... Petitioner

-vs-

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
- 2.The Director,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor,
807, Anna Salai,
Chennai - 600 002.
- 3.The Deputy Director,
Town and Country Planning - Trichy Region,
Kajamalai Main Road,
Kajamalai, Trichy - 620 023.
- 4.The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO, Mannarpuram,
Trichy.
- 5.The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
- 6.The Sub Registrar,
Sub Registrar Office - Woraiyur,
Woraiyur, Trichy.
- 7.The Commissioner,
Tiruchirappalli Corporation,



8.The Assistant Commissioner,
Ko.Abishekapuram Zone,
Tiruchirappalli City Corporation, Trichy.

9.M/s.Chendur Homes Private Limited,
Represented by its Managing Director,
T.D.Raja,
4G, Arcot road,
Saligramam, Chennai - 600 093.

10.G.Balasubramaniyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 7 and 8 to initiate appropriate action to stop the illegal construction of the building by the ninth respondent without obtaining fresh approval from the third respondent for construction of Apartments in 51.08 cents situated in Old Survey No.151/2 and New Town Survey No.98/1,2 of Ward No.J, Block No.14 of Uyyakondan Thirumalai Village, Srirangam Taluk, Tiruchirappalli District, which expired on 11.11.2016.

For Petitioner	: Mr.T.Senthil Kumar
For Respondents 1to3	: Mr.K.P.Krishnadoss Special Government Pleader
For Respondent 4	: Mr.S.M.S.Johnny Basha
For Respondents 5&6	: Mr.K.Sathiya Singh Additional Government Pleader
For Respondents 7&8	: Mr.S.Saji Bino
For Respondent 9	: Mr.R.J.Karthick
For Respondent 10	: Mr.S.Ramsundarvijayraj for M/s.Veera Associates

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This petition is in continuation of an earlier petition, W.P.(MD) No.1266 of 2018, on which an order was passed on March 2, 2018.

2. The matter pertains to the construction of a building in Tiruchirappalli. The petitioner has an apparent dispute with his brother, the tenth respondent. The ninth respondent builder claims that as land owners, the petitioner and the tenth respondent, have cheated such builder after inducing him to embark on the construction.

3. By the said order of March 2, 2018, the respondent Corporation was directed to demolish and remove all unauthorized construction in the stilt floor and restrict the construction to the approved plan.

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4. It is the case of the respondent Corporation that the directions in terms of the relevant order had been carried out and that further contempt proceedings instituted by the petitioner herein have been closed.

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5. If the illegal construction as directed to be demolished by the relevant order of March 2, 2018 has been demolished, the petitioner should have no further grievance. However, the petitioner says that the entire building may be at variance with the approved plan and the private respondents are seeking to have the illegal construction glossed over by preferring an appeal under Section 113 of the Tamil Nadu Town and Country Planning Act, 1971.

6. The order dated March 2, 2018 was on the basis that only the stilt floor had been illegally constructed. If there is any further deviation from the approved plan in course of the construction, regularisation thereof should not be routinely permitted, as the spirit of the order dated March 2, 2018 was that the relevant building should adhere to the approved plan.

7. Accordingly, W.P.(MD)No.1422 of 2020 is disposed of by directing the respondents, particularly the official respondents, to ensure that the proceedings under Section 113 of the Act of 1971 are disposed of as expeditiously as possible and in the light of the observations made herein. If any unauthorized construction is discovered, in the construction as completed till now, the respondent Corporation should take steps for further demolition thereof. If there are further grievances of the petitioner, they may be carried by way of a civil suit before the appropriate forum, particularly, against the respondents 9 and 10. The Corporation will only be duty bound to ensure that any major deviation from the approved plan is not allowed to stand. The application for regularization of the construction made should be carefully scrutinized by the appropriate officials.

8. The relevant appeal under Section 113 of the said Act should be attempted to be disposed of by the appellate forum within three months from date and without affording any adjournment to any of the parties. There will be no order as to costs. Consequently, W.M.P(MD) Nos.1143, 4806 and 4808 of 2020 are closed.

Sd/-

Assistant Registrar

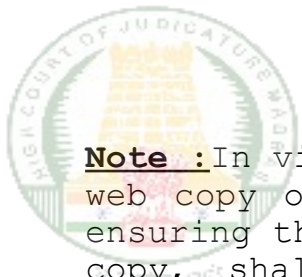
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/ /2021

Sub Assistant Registrar(CS)

RR/OGY

<https://hcservices.ecourts.gov.in/hcservices/>



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To

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- 4.The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
- 5.The Sub Registrar,
Sub Registrar Office - Woraiyur,
Woraiyur, Trichy.

+1CC to M/s.VEERA ASSOCIATES, Advocate (SR-9018[F] dated 05/03/2021)

+2 CC to THE SPECIAL GOVERNMENT PLEADER (SR-9149[F] & SR-9211[F] dated 05/03/2021)

+1 CC to Mr.T.SENTHIL KUMAR, Advocate (SR-9077[F] dated 05/03/2021)

+1 CC to Mr.R.J.KARTHICK, Advocate (SR-9389[F] dated 08/03/2021)

+1 CC to Mr.S.SAJI BINO, Advocate (SR-9393[F] dated 08/03/2021)

Order made in
W.P. (MD) No.1422 of 2020 and
W.M.P (MD) Nos.1143, 4806 and 4808 of 2020
04.03.2021

VR(CO)

SRS (11/03/2021) 4P : 12C