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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2021

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.7515 of 2021

S.Amirthavalli .. Petitioner

Vs

1. The Commissioner,
   Tiruchirappalli Municipal Corporation,
   Tiruchirappalli - 620 001.

2. The Member Secretary,
   Local Planning Authority,
   Town and Country Planning Office,
   Near Sona Meena Theatre,
   Tiruchirappalli - 620 001.

3. The Assistant Commissioner,
   Ponmalai Division,
   Tiruchirappalli City Corporation,
   Tiruchirappalli.

4. The Assistant Engineer,
   Operational and Maintenance,
   Tiruchirappalli Corporation,
   Contonment Division,
   Tiruchirappalli.

5. S.Sundarambal

6. S.Maheswari

7. S.Shanmugapriya .. Respondents

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PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the respondents 1 to 4 to initiate an appropriate action against the respondents 5 to 7 and to demolish the entire unauthorized constructions made by the respondents 5 to 7, in respect of S.No.530, Block No.56, Door No.11/3, Mariyamman Kovil Middle Street, Bheema Nagar, Abishekapuram Village, Tiruchirappalli, within which are made without obtaining planning permission.

For Petitioner : Mr.R.Rajamohan

For respondents : Mr.Karthikeyan,
Standing Counsel
for R1,R3 and R4
Mr.N.Shanmugaselvan,
Additional Government Pleader
for R2

ORDER

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

The petitioner has filed this Writ Petition seeking directions to the respondents 1 to 4 to initiate an appropriate action against the respondents 5 to 7 and to demolish the entire unauthorized constructions made by the respondents 5 to 7, in respect of S.No.530, Block No.56, Door No.11/3, Mariyamman Kovil Middle Street, Bheema Nagar, Abishekapuram Village, Tiruchirappalli, which are made without obtaining planning permission.

2. The learned Standing Counsel appearing for the Trichy Municipal Corporation, who has accepted notice for the respondents 1 to 4, submitted on instructions that stop work notice was already issued, directing the respondents 5 to 7 to stop all further construction and pursuant to which, no construction has been done. The learned Standing Counsel seeks time to get instruction as to what further action has been taken.

3. In our considered view, no such instruction is required, because the Municipal Corporation is bound to follow the relevant Rules and if there is any unauthorized construction, they have to proceed further in terms of the relevant statute and may cause an inspection of the building and if it is found to be totally unauthorized or partially unauthorized, then necessary action for demolition should be taken after following the procedures under the Act.

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4. The writ petition stands disposed of, by directing the Municipal Corporation to proceed further in accordance with law, after due notice to the respondents 5 to 7 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

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   Operational and Maintenance,
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   Contonment Division,
   Tiruchirappalli.

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+1 CC to M/s.N.S.KARTHIKEYAN, Advocate(SR-15444[F] dated 08/04/2021)
+1 CC to SPL GP (SR-15497[F] dated 08/04/2021)
+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-15428[F] dated 07/04/2021)

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