



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8873 of 2021
and W.M.P. (MD)No.6673 of 2021

R.Prabhakar

... Petitioner

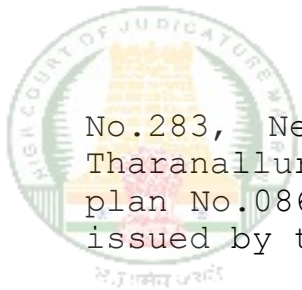
-Vs-

- 1.The District Collector,
Trichirapalli,
Trichirapalli District.
- 2.The Trichy Logal Planning Authority,
Rep. By its Member Secretary,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai,
Trichirapalli - 620 023.
- 3.The Commissioner,
Trichirapalli Municipal Corporation,
Trichirapalli City.
- 4.The Assistant Commissioner,
Ariyamangalam Division,
Trichirapalli Municipal Corporation,
Trichirapalli City.
- 5.The Junior Engineer,
Ariyamangalam Division,
Trichirapalli Municipal Corporation,
Trichirapalli City.
- 6.The Revenue Divisional Officer,
Trichirapalli,
Trichirapalli City.

7.T.Kumaran

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.F1/6520/2019 Ariya dated 24.07.2020 and to quash the same as illegal, arbitrary and consequently directing the respondents 2 to 4 to demolish the unauthorized construction made by the 7th respondent at Door No.7, TS



No.283, New War No.P, Block No.36, Alanganathapuram Main Road, Tharanallur, Trichirapalli in violation of the approved building plan No.086/BL/2018/01374 and planning permission No.154/18/F1 Ariya issued by the 4th respondent, with a time frame fixed by this Court.

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For Petitioner : Mr.A.Rahul
For respondents : Mr.N.Shanmuga Selvam,
Addl. Govt. Pleader for R1, R2 & R6
Mr.N.S.Karthikeyan R3 & R4.

ORDER

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

Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for respondents 1, 2 and 6 and Mr.N.S.Karthikeyan, learned counsel appearing for respondents 3 and 4.

2. The petitioner is before this Court by way of this Writ Petition for a repeated inaction on the part of the Tiruchirapalli Municipal Corporation in taking action against the seventh respondent, who was fraudulently violated the planning permission granted to him and put up construction in excess of the permitted area. The seventh respondent has been prosecuted, he has paid the fine and the provisional order passed by the Municipal Corporation has been made absolute, directions were issued by the Court on the earlier occasion at the instance of the petitioner. However, Tiruchirapalli Municipal Corporation has closed their eyes to the matters and shockingly has issued the impugned communication directing the petitioner and the seventh respondent to sit across, discuss and compromise the issue. This impugned order is sufficient to dissolve the Municipal Council as well as take disciplinary action against all the top officials of the Municipal Corporation.

3. The impugned order not only smacks of arbitrariness, but is also tainted with *mala fides*, which vitiates the impugned order. Therefore, this Writ Petition is allowed and the impugned order passed by the third respondent dated 24.07.2020 is quashed. The Tiruchirapalli Municipal Corporation is directed to forthwith take action for demolition of the unauthorised constructions. No costs. Consequently, connected miscellaneous petition is closed.

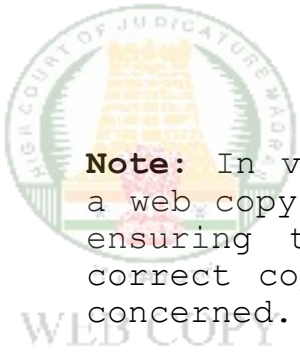
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 - 6.The Revenue Divisional Officer,
Trichirapalli,
Trichirapalli City.
- +1 CC to M/s.A.RAHUL, Advocate (SR-18314[F] dated 03/05/2021)
- +1 CC to M/s.GP (SR-18353[F] dated 03/05/2021)
- +1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-18461[F] dated 04/05/2021)

W.P. (MD)No.8873 of 2021
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AS (11.06.2021) 3P 10C