



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.20383 of 2021

and W.M.P. (MD) Nos.17030 and 17033 of 2021

S.Divya

... Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

2.The Assistant Commissioner,
Tiruchirapalli City Municipal Corporation/
Local Planning Committee, Ponmalai Division,
Tiruchirapalli.

3.The Joint Director,
Director of Town & Country Planning,
Kajamalai, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.5986/2021/F1(pon) dated 13.08.2021 and quash the same and consequently direct the 3rd respondent herein to dispose of the appeal filed by the petitioner herein on 21.09.2021.

For Petitioner : Mr.K.Appadurai

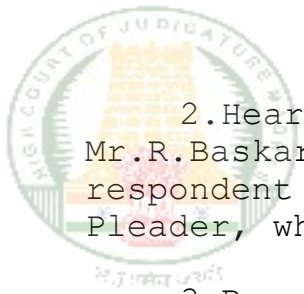
For Respondent Nos.1 : Mr.R.Baskaran
& 2 Additional Advocate General

For Respondent No.3 : Mr.P.Subbaraj
Special Government Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The writ petitioner has challenged the proceedings of the Assistant Commissioner, Tiruchirapalli Corporation, asking him to stop construction, as the petitioner has constructed in addition to the sanctioned plan and there is also a deviation from the same.



2.Heard Mr.K.Appadurai, learned counsel for the petitioner, Mr.R.Baskaran, learned Additional Advocate General, appearing for respondent Nos.1 and 2 and Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the third respondent.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.It appears that the petitioner has given a revised plan for sanction, which has also been declined by the authorities and it is indicated in the impugned order. After the impugned order was passed, the petitioner has filed an appeal before the third respondent/Joint Director, Directorate of Town and Country Planning on 21.09.2021, seeking approval for the existing construction of residential building in Door No.32/1/E2, S.F.No.56/2B10, A.R.Apartments, Thiruverambur Village, Ponmalai Zone, Trichy City Corporation. Mr.R.Baskaran, learned Additional Advocate General, on instructions, submitted that such an appeal is still pending.

5. Admittedly, the petitioner has not only deviated from the original plan but also put up additional construction. Hence, the first respondent has rightly passed an order to stop further construction. The revised plan was also rejected by the second respondent. Now, only the appeal filed before the Joint Director, Directorate of Town & Country Planning, is pending subject to maintainability of the same. In such circumstances, we do not propose to entertain this Writ Petition and we direct the petitioner to approach the Joint Director, Directorate of Town & Country Planning, before whom, she has preferred the said appeal. The said Joint Director, who is the third respondent herein, is directed to consider the said appeal for planning approval, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

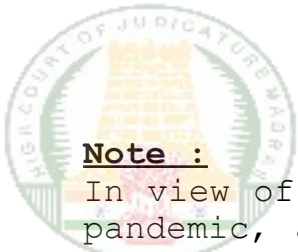
Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

**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:

- 1.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.
- 2.The Assistant Commissioner,
Tiruchirapalli City Municipal Corporation/
Local Planning Committee, Ponmalai Division,
Tiruchirapalli.
- 3.The Joint Director,
Director of Town & Country Planning,
Kajamalai, Trichy.

+1 CC to M/s.K. APPADURAI, Advocate (SR-34856[F] dated 17/11/2021)

+1 CC to M/s.SPL GP (SR-34560[F] dated 16/11/2021)

W.P (MD) No.20383 of 2021
15.11.2021

MGJ/PM(25.11.2021) 3P 6C