



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD).No.5490 of 2012

and

M.P. (MD).Nos.2 and 3 of 2012

R. Ramesh

... Petitioner

Vs.

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

2.The Assistant Commissioner,
Thatchanallur Ward Office,
Tirunelveli Municipal Corporation,
Tirunelveli Junction.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No:Ka.Vi.No.158-2004-DPI, dated 16.12.2011 and to quash the same and further, to direct the respondents not to take any further action until order is passed in the revised plan either by the 1st respondent or by the appellate authority.

For Petitioner : Mr.H.Arumugam

For R-1 : Mr.Aayiram K.Selvakumar

For R-2 : No appearance

O R D E R

The present Writ Petition has been filed challenging the order passed by the first respondent herein directing the petitioner to demolish the construction, which was put up in violation of the approved plan.

2.The learned Counsel for the petitioner submits that the construction has been completed only with regard to the ground floor portion and the ground floor portion alone is in use of the writ petitioner and the rest of the construction has not been completed and they have not been put to use.

3.The learned Counsel for the petitioner further submits that under the Tamil Nadu Combined Development and Building Rules, 2019, he has filed an amended plan seeking approval of the first respondent herein which is pending with them.



4.The learned Counsel for the first respondent submits that if any fresh application is filed by the writ petitioner invoking the provisions of the new Act, the same would be considered in the light of the provisions of the new Act.

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5.In case, the petitioner approaches the first respondent by way of fresh application, the same shall be considered and disposed of on merits within a period of three months from the date of receipt of the application. However, till the application is disposed of, the petitioner has to maintain status quo and utilize only the ground floor portion. Thereafter, based on the orders passed in the fresh application, the first respondent could proceed further.

6.With the above said observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

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,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Thatchanallur Ward Office,
Tirunelveli Municipal Corportion, Tirunelveli Junction.

+1CC toM/s.H.ARUMUGAM,Advocate (SR-27886[F]dated24/06/2022)

Order made in
W.P. (MD) .No.5490 of 2012
22.06.2022

PKP/05.07.2022/2P/4C

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