



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.16291 of 2020 & 6158 of 2019

and

W.M.P. (MD)No.4918 of 2019

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In W.P. (MD)No.16291 of 2020

Narayan P.Patel

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Corporation,
Bharathithasan Salai,
Tiruchirappalli-1.

2.The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Main Road, Palakkarai,
Tiruchirappalli District.

3.V.Rayar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 & 2 to grant building approval for the land measuring 15022 sq.ft in S.No.62/3C and S.No.60/1 in Tharanallur Village, Viswas Nagar, Ariyamangalam Zone, Tiruchirappalli District in accordance with law.

For Petitioner : Mr.A.K.M.Samsunihar Rahim Ismail

For R1 & R2 : Mr.A.Baskaran

For R3 : Mr.G.Vidhya Maheswaran

In W.P. (MD)No.6158 of 2019

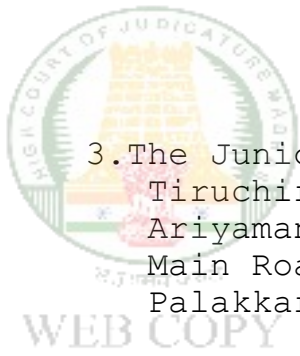
V.Rayar

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Corporation,
Bharathithasan Salai,
Tiruchirappalli-1.

2.The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Main Road, Palakkarai,
Tiruchirappalli District.



3.The Junior Engineer,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Main Road,
Palakkarai, Tiruchirappalli-1.

4.Narayan P.Patel

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action against the 4th respondent from putting up illegal construction in his land bearing S.Nos.62/3C and 60/1, Tharanallur Village and Post, Trichy Taluk and District without obtaining building approval / planning sanction and also in violation the Rules and Regulations with regard to construction of buildings and also in pursuance of the petitioner's representation dated 11.02.2019 and 25.02.2019.

For Petitioner : Mr. G.Vidhya Maheswaran
For R1 to R3 : Mr. A.Baskaran

For R4 : Mr. A.K.M.Samsunihar Rahim Ismail

COMMON ORDER

Heard the learned counsel on either side.

2. One Narayan P.Patel and V.Rayar are having properties in Tiruchirappalli near each other. The grievance of Rayar is that Narayan P.Patel without getting prior approval from the competent authority is proposing to put up construction. He therefore filed W.P.(MD)No.6158 of 2019 for directing the authorities to take action against Narayan P.Patel in this regard.

3. Interim order was granted in the said writ petition. Thiru.Narayan P.Patel on the other hand has a grievance that his application for grant of approval is not being considered. He therefore filed W.P.(MD)No.16291 of 2020 for directing the authorities to grant him the building plan approval for the petition mentioned land.

4. It is well settled that without getting prior approval, construction cannot be put up. But at the same time, citing the pendency of the writ petition, the authority could not have declined to process the application of Narayan P.Patel.

5.I therefore dispose of both these writ petitions in the following terms:-

(I) The Commissioner of Tiruchirappalli City Corporation is directed to dispose of the petition of Thiru.Narayan P.Patel on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



(II) Without getting approval from the planning authority, Thiru.Narayan P.Patel cannot put up any construction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Tiruchirappalli City Corporation,
Bharathithasan Salai,
Tiruchirappalli-1.

2.The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Main Road, Palakkarai,
Tiruchirappalli District.

3.The Junior Engineer,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Main Road,
Palakkarai, Tiruchirappalli-1.

+1 CC to M/s.A.K.M. SAMSUNIHAR Rahim Ismail, Advocate
(SR-25620[F] dated 14/06/2022)

+1CC to M/s.V.Nagarajan, Advocate, (SR.No.25653)

W.P.(MD)Nos.16291 of 2020 & 6158 of 2019
14.06.2022

MGJ(30.06.2022) 3P 6C