



W.P(MD) No.19456 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.19456 of 2021
and
W.M.P(MD) No.16171 of 2021**

C.Ezhilarasu

... Petitioner

-VS-

1. The Additional Chief Secretary to
Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 9.

2. The Commissioner of Municipal
Administration,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai 28.

3. The District Collector,
Trichy District, Collectorate,
Tiruchirappalli 620 001.

4. The Commissioner,
Tiruchirappalli Municipal Corporation,
No.8, Bharathidasan Salai,



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Opp. Campion School, Cantonment,
Tiruchirappalli 620001.

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5. The Member Secretary,
Trichy Local Planning Authority,
Kajamalai Main Road, Kajamalai,
Tiruchirappalli 620 023.

6. Pradeep Kumar.S ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 to demolish the unauthorized construction made by the sixth respondent at Door No. 19/4A, Pudukottai Main Road, TVS Toll Gate, Trichy, in violation of the building plan Approval No.1/3022/2018/2020, issued by the fourth respondent, based on his representation dated 21.09.2021.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
for R1 to R3
Mr.R.Baskaran
Standing Counsel for R4
Mr.S.Vinod Sathya Lazar for R6
No appearance for R5

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to demolish the unauthorized construction made by the sixth respondent at Door No. 19/4A, Pudukottai Main Road, TVS Toll Gate, Trichy, in violation of the



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building plan Approval No.1/3022/2018/2020, issued by the fourth respondent, based on his representation dated 21.09.2021.

2. Heard Mr.C.Ezhilarasu, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, appearing for the respondents 1 to 3; Mr.R.Baskaran, learned Standing Counsel, appearing for the fourth respondent and Mr.S.Vinod Sathya Lazar, learned counsel appearing for the sixth respondent.

3. Pointing out that the sixth respondent has constructed a building in violation of the approved building plan and thereby causing serious threat to the lives of the neighbourhood residents, the petitioner submitted a representation to the official respondents on 21.09.2021 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 3 to 5, to consider the representation of the petitioner dated 21.09.2021, in accordance with law, within a time frame.



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4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 3 to 5, to consider the representation of the petitioner dated 21.09.2021, if not considered earlier and if there is any violation as claimed by the petitioner, appropriate action shall be taken by the authorities concerned, after affording sufficient opportunity to the sixth respondent and all other parties concerned and by following due process of law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

Index : Yes / No
Internet : Yes / No
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