



W.P.(MD) No.6600 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.6600 of 2013
and M.P.(MD)No.1 of 2013

N.Chandrasekara Vellayan

... Petitioner

Vs.

1.The Director,
Town and Country Planning,
Chennai – 600 005.

2.The Local Planning Authority,
Thiruchirappalli – 620 001.

3.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli – 620 001.

4.Vanaja

5.T.Arunkumar

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to stop illegal construction that is being put by the respondents 4 and 5 by encroaching part of the petitioner's land in Plot No.8, bearing T.S.No.27/3B situated at Tiruchirappalli City Corporation limit in Old Black No.60, Ward No.30, Old T.S.No.3887, New Ward G.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 & R2
Mr.R.Baskaran
Standing Counsel for R3
Mr.R.Sundar for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to stop illegal construction that is being put by the respondents 4 and 5, by encroaching part of the petitioner's land in Plot No.8, bearing T.S.No.27/3B situated at Tiruchirappalli City Corporation limit in Old Black No.60, Ward No.30, Old T.S.No.3887, New Ward G.



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2. The learned counsel appearing for the petitioner submitted that the respondents 4 and 5 have constructed a house, by encroaching part of the petitioner's land in Plot No.8, bearing T.S.No.27/3B situated at Tiruchirappalli City Corporation limit, without obtaining any planning permission from the authorities concerned. Hence, the petitioner has filed this Writ Petition.

3. The second respondent has filed the counter affidavit, wherein in paragraph 5, it is stated as follows:

“5. I submit that the averments in para 4 of the affidavit are denied as follows. Most of the averments are not relevant to this respondent. If there is any violation of Town and Country Planning Act, necessary action will be taken. But it is true that this respondent had not issued any planning permission or building plan approval to the respondents 4 and 5. They have also not applied for permission from this respondent.”

4. The learned counsel appearing for the third respondent Corporation has also reiterated the stand made in the counter affidavit filed by the second respondent.



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5. In the light of the above, we direct the respondents Corporation to take necessary action for removal of the unauthorized construction of the building made by the respondents 4 and 5 in the aforesaid survey number, after affording opportunity to all the parties concerned and by following due process of law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

09.01.2023

NCC : Yes / No

Index : Yes / No

vsm



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