



W.P.(MD)Nos.11743 and 12295 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)Nos.11743 and 12295 of 2019

and

W.M.P.(MD)Nos.9202 and 8897 of 2019

N.Sampath ... Petitioner in W.P.(MD)No.11743 of 2019

A.Raja ... Petitioner in W.P.(MD)No.12295 of 2019

Vs.

1.The Assistant Director,  
Town Panchayats, Trichy

2.The Executive Officer,  
Mettupalayam Town Panchayat,  
Mettupalayam, Trichy

3.A.Raja ...Respondents in W.P.(MD)No.11743/2019

1.The District Collector,  
O/o. District Collector,  
Tiruchirappalli

2.The Assistant Director,  
Town Panchyat,  
Tiruchirappalli.



W.P.(MD)Nos.11743 and 12295 of 2019

3.The Executive Officer,  
Mettupalayam Town Panchayat,  
Mettupalayam, Tiruchirappalli District

4.N.Sampath

5.The Revenue Divisional Officer,  
O/o.The Revenue Divisional Office,  
Musiri, Trichy District.

6.The Tahsildar,  
O/o.The Tahsildar,  
Musiri, Musiri Taluk,  
Trichy District.

7.The Taluk Survey Officer,  
O/o.The Taluk Surveyor,  
Musiri, Trichy District.

...Respondents in W.P.(MD)No.12295/2019

[R5 to R7 are impleaded vide order dated 16.08.2019]

**PRAYER in W.P.(MD)No.11743 of 2019:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the unauthorized construction of commercial shop and building in S.No.867/6 at Ambalakara Street, 7<sup>th</sup> Ward in Mettupalayam Town Panchayat , Trichy District by the 3rd respondent within the time fixed by this Court.

**PRAYER in W.P.(MD)No.12295 of 2019:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide Na.Ka.No.176/2017 dated



W.P.(MD)Nos.11743 and 12295 of 2019

28.11.2017 and consequential impugned notice vide Na.Ka.No.78/2019 dated 16.05.2019 issued by the 3rd respondent and quash the same and consequentially direct the 2nd and 3rd respondent to approve the proposed building plan submitted by the petitioner for construction of building, consisting of shops and dwelling house, in Survey No.867/6 (Old Survey No.67/1A1) situated at Mettupalayam Village, Musiri Taluk, Tiruchirappalli District.

In W.P.(MD)No.12295 of 2019:

For Petitioner : Mr.D.Shanmugaraja Sethupathi  
For R1, R2, R5-R7: Mr.S.Kameswaran  
Government Advocate  
For R3 : Mr.V.R.Shanmuganathan  
For R4 : Mr.H.Arumugam

In W.P.(MD)No.11743 of 2019:

For Petitioner : Mr.H.Arumugam  
For R1 : Mr.S.Kameswaran  
Government Advocate  
For R2 : Mr.V.R.Shanmuganathan  
For R3 : No Appearance

**COMMON ORDER**

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The relief sought for in W.P.(MD)No.11743 of 2019 is to direct the respondents 1 and 2 to take action against the unauthorized construction of commercial shops by the third respondent.

2.In W.P.(MD)No.12295 of 2019, the show cause notice issued by the third respondent has been challenged.



*W.P.(MD)Nos.11743 and 12295 of 2019*

3.The grievance of the petitioner in W.P.(MD)No.11743 of 2019 is that the third respondent, who is the petitioner in W.P.(MD)No.12295 of 2019 had unauthorizedly constructed a commercial shop in violation of the standing rules. He further made a submission that no building plan approval was granted by the competent authority and therefore, the entire construction is unauthorized, which is to be demolished by invoking the provision of the statute and rules in force.

4.May that as it be, the fact regarding unauthorized construction is to be identified only by conducting field inspection by the competent authority. In view of the facts and circumstances, the District Collector, Tiruchirappali District and the Assistant Director, Town Panchayat, Tiruchirappalli are directed to conduct field inspection and find out whether there is any unauthorized construction. If so, they shall initiate appropriate actions by following the procedures as contemplated and by affording opportunity to the parties to demolish the unauthorized construction. The said exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

5.The petitioner in W.P.(MD)No.12295 of 2019 is at liberty to submit an objection within a period of one week from today. In the event of receiving any



W.P.(MD)Nos.11743 and 12295 of 2019

such objection, the same may also be considered by the competent authorities. It is also made clear that the civil suit that is pending between the parties is not a bar for initiating actions for removal of unauthorized construction under the District Municipalities Act.

6.With the above directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**(S.M.S., J.) & (V.L.N., J.)**  
**28.11.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
ta

To

- 1.The Assistant Director,  
Town Panchayats,  
Trichy
- 2.The Executive Officer,  
Mettupalayam Town Panchayat,  
Mettupalayam, Trichy
- 3.The District Collector,  
O/o. District Collector,  
Tiruchirappalli

5/7



*W.P.(MD)Nos.11743 and 12295 of 2019*

4.The Revenue Divisional Officer,  
O/o.The Revenue Divisional Office,  
Musiri, Trichy District.

5.The Tahsildar,  
O/o.The Tahsildar,  
Musiri, Musiri Taluk,  
Trichy District.

6.The Taluk Survey Officer,  
O/o.The Taluk Surveyor,  
Musiri, Trichy District.



WEB COPY



*W.P.(MD)Nos.11743 and 12295 of 2019*

**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

ta

W.P.(MD)No.11743 and 12295 of 2019

28.11.2023