



W.P(MD)No.11547 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11547 of 2023
and
W.M.P(MD) No.10043 of 2023**

M/s.Maxivision Eye Hospitals Private Limited,
Represented by its senior Vice President
Mr.Arjun Annamalai,
S 12B, Alladdin Mansion,
Near Shoppers Stop, Begumpet,
Hyderabad,
Telengana – 500 016.

... Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Namakkal Kavignar Maaligai,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Town and Country Planning,
No.2, 3rd and 4th Floor,
C & E Market Road,
Koyambedu,
Chennai – 600 107.



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3.The Commissioner,
Thiruchirappalli City Municipal Corporation,
Cantonment,
Bharathidhasan Salai,
Thiruchirappalli – 620 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to temporarily open the lock and sealed premises in old T.S.No.506/2, New T.S.No.80, Ward No.B(G), Block – 21 in Annamalai Nagar, Trichirappalli, for a period of five days enabling the petitioner to remove all the machineries and equipments placed inside the said premises, by considering the petitioner's representation dated 28.04.2023 within a time limit to be fixed by this Court.

For Petitioner	:Mr.M.Sricharan Rangarajan for Mr.T.Sakthikumaran
For Respondents	:Mr.R.Baskaran, Additional Advocate General Assisted by Mr.S.Shanmugavel, Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the Writ Petitioner and the learned Additional Advocate General assisted by Mr.S.Shanmugavel, learned Additional Government Pleader, appearing for the respondents.



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2. The petitioner was inducted as a lessee by one Thiru.S.Subramanian in the petition mentioned building. The petitioner made all arrangements to run an eye hospital in the petition mentioned building. However, the sisters of the lessor have made a representation to the third respondent alleging that their brother S.Subramanian had unauthorisedly constructed the building. They therefore, filed W.P(MD) No.15773 of 2022 and this Court vide order dated 04.01.2023, disposed of the Writ Petition in the following terms;

“2. The Joint Director of Tiruchirappalli District Town and Country Planning has addressed a letter, dated 09.12.2022 to the Commissioner, Tiruchirappalli Municipality and has passed the rejection order informing the Commissioner, Tiruchirappalli Municipal Corporation for taking necessary action for the unauthorized construction of the building, under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. A counter is filed by stating that the site was inspected on 08.12.2022 and found that the building constructed by the third respondent violating the building rules by his unauthorized and deviated construction.



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3.Recording the aforesaid facts, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed. It is open to the petitioner to workout his remedy in respect of the rejection order passed by the authorities concerned, in the manner known to law, if so advised.”

3. Contending that no follow up action was taken, the sisters of the lessor filed Cont.P(MD) No.521 of 2023. Therefore, the building was locked and sealed. The only relief sought for by the petitioner is that the petitioner may be permitted to remove all their articles that have been installed inside the petition mentioned building.

4. However, the learned Additional Advocate General appearing for the respondents points out that the removal of the articles by the petitioner should not result in any kind of liability on the Government or the local body.

5. We permit the petitioner to remove all their articles from the petition mentioned building within two weeks from 15.05.2023. The



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process of removal of the goods will be duly videographed. The petitioner shall put the lessor on notice before doing so.

6. Since the respondents have taken action only pursuant to the order passed in Cont.P(MD) No.521 of 2023, after the petitioner removed the articles, the building will be once again locked and sealed. The building will be unsealed only for a period of two weeks from 15.05.2023 to enable the petitioner to remove their articles.

7. On these terms, the Writ Petition stands allowed. No cost. Consequently, the connected Miscellaneous Petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]
10.05.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

am/Indu

ORDER MADE IN

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