



W.P.(MD) No.13635 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13635 of 2023
and
W.M.P.(MD) Nos.11493 & 11494 of 2023**

M.Kumar Subramaniyan

... Petitioner

-VS-

1. The Commissioner,
Trichy City Municipal Corporation,
Trichy.
2. The Assistant Commissioner,
Ariyamangalam Zone (Ward II),
Trichy City Municipal Corporation, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.No. F1/1429/2022/(ward - 2) dated 23.05.2023 and quash the same as illegal.



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For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.R.Baskaran
for M/s.R.B.Law Associates

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Baskaran, learned counsel, representing M/s.R.B.Associates, takes notice for the respondents.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The impugned notice has been issued under Section 56(2A) of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity “the Act”). We had an occasion to go into the procedure that should be followed by the authorities when they seek to remove unauthorised development. Section 51 of the Act requires the enforcing authority to issue notice to the offender, viz., a person who has put up construction in violation of or without the planning



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permission requiring him to bring the building in conformity with the building plan. Thirty days time is required to be granted under Section 56(1) of the Act. If the notice under Section 56(1) of the Act is not complied with, thereafter, the authority can issue a notice under Section 56(2A) of the Act.

4. Admittedly, no notice under Section 56(1) of the Act had been issued in the case on hand. In view of the same, the impugned notice is quashed reserving liberty to the authorities to proceed in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed. The writ petition stands disposed of.

[R.S.M., J.]

[L.V.G., J.]

12.06.2023

NCC : No

Index : No

Internet : Yes

PKN

To

1. The Commissioner,
Trichy City Municipal Corporation,
Trichy.

2. The Assistant Commissioner,



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Ariyamangalam Zone (Ward II),
Trichy City Municipal Corporation, Trichy.



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