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W.P.(MD) Nos.13743 and 14268 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM:

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

**W.P.(MD) Nos.13743 and 14268 of 2023
and
W.M.P(MD)Nos.11554 and 12064 of 2023**

Mallika ... Petitioner in W.P(MD)No.13743 of 2023

Ravi ... Petitioner in W.P(MD)No.14268 of 2023

-vs-

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

2.The Assistant Commissioner,
Srirangam Zone,
Trichy City Municipal Corporation,
Trichy.

... Respondents in both W.Ps

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records comprised in Na.Ka.No.F1/6233/2018/ dated 27.04.2023 on the file of the second respondent.

(In both W.Ps)

For Petitioner : Mr.K.Prabhakar
For Respondents : Mr.R.Baskaran,
Senior Counsel for
M/s.R.B.Law Associates



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COMMON ORDER

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

These two writ petitions have been filed challenging the notices issued under Section 56(2)(A) of the Tamil Nadu Town and Country Planning Act, 1971, on the ground that the development made by the petitioners is unauthorized. These notices were proceeded with notices under Section 56(1) of the Act, dated 16.03.2023.

2. Unfortunately, the petitioners had challenged the notice issued under Section 56(2)(A) of the Act, requiring removal of unauthorized development.

3. Considering the fact that there is perennial dispute that is going on between Sri Ranganathaswami Temple on the one hand and the occupants of the houses in four outer pragaarams of the temple on the other hand and the temple is consistently refusing to issue any 'No Objection Certificate' for the occupants either to develop or re-develop or carry out the repairs in their respective houses, we are of the opinion that the petitioners should be given an opportunity to approach the Government under Section 113-C of the Act seeking exemption in public interest.



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4. We are informed that the municipality had issued nearly 117 such notices pursuant to a direction issued by a Division Bench of this Court. Wherever such notices had been issued without following the due procedure, we had quashed the said notices. In these two cases, unfortunately for the petitioners, the municipality had followed the due procedure. Section 113-C of the Act vests the power in the Government to grant exemption. We, therefore, permit the petitioners to make an application under Section 113-C of the Act, within a period of 30 days from today and the Government will decide on the exemption **sympathetically** within a period of 90 days therefrom. Till such time the case is decided, no coercive action shall be taken. It is made clear that if any exemption is granted by the Government that will not confer ownership on the occupants. The writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes/No
Index : Yes/No

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