



W.P.(MD) No.16679 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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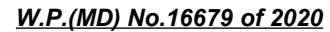
R.S.Mahadevan

... Petitioner

Vs

1. The District Collector,
Tiruchirappalli, Collectorate,
Cantonment, Trichy - 620 001.
2. The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai, Tiruchirappalli - 620 001.
3. The Local Planning Authority,
Tiruchirappalli City Corporation,
Having Office at Khajamalai Main Road,
Khajamalai, Trichy.
4. Dharmapura Adheenam,
Mouna Madam Kattalai, Rockfort, Trichy.
5. Dharmapuram Adheenam,
Having Head Office at Tharagambadi Road,
Dharmapuram, Mayiladuthurai - 609 001.

... Respondents



For Petitioner : Mr. K.S.Kathiravan

For Respondents : Mr.A.K.Manikkam (R1 & R3)
Special Government Pleader
Mr.K.R.Kishore Ram (R2)
for R.B.Law Associates
Mr.D.Nallathambi (R4)

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents 1 to 3 not to grant any approval in favour of 4th respondent to construct commercial complex based on the representation made by the petitioner on 03.11.2020.



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2. Heard the learned counsel for the petitioner and the learned counsels for the respondents.

3. The case of the petitioner is that the 4th respondent had developed a layout and the petitioner had purchased one plot in the said layout. The apprehension of the petitioner is that an attempt was made by the 4th respondent to put up a commercial building/complex, which will result in the plot owner facing irreparable hardship and will also prevent free ingress and egress to the property, in a pathway measuring 23 feet. In view of the same, the petitioner made a representation to the respondents 1 to 3 not to grant any approval for the commercial complex,.

4. The learned standing counsel appearing on behalf of the second respondent submitted that the 4th respondent is not attempting to put up any commercial complex in the place. It was contended that the 4th respondent had developed a layout and had sold the plots. One of the adjacent owner to the property, who was having a larger extent of land, was making preparations to put up a commercial complex and therefore,



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the petitioner is apprehending that the same will lead to disruption in the ingress and egress through the lay out road. The learned counsel therefore, submitted that the writ petition has been filed more on the ground of apprehension.

5. In the considered view of this Court, the apprehension of the petitioner as if the 4th respondent is attempting to put up a commercial complex, is unfounded. In fact, it is the fourth respondent, who had developed a layout and had sold the plots and the petitioner is one of the person, who had purchased a plot in the layout. If at all any commercial complex is put up by the adjacent owner of the property, it is only the Director of Town and country planning, who has to give the necessary sanction for the same. None of the respondents can deal with the application for sanction to a commercial complex. Hence, if the petitioner finds that any such attempt is being made for putting up a commercial complex, the petitioner has to make his objections only before the Director of Town and Country Planning and work out his remedy.



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6. It is also seen from the affidavit filed in support of the writ petition that civil proceedings are also pending in this regard before the concerned Court. Insofar as the present writ petition is concerned, it is clear that the 4th respondent is not attempting to put up any commercial complex in the lay out.

7. This writ petition is disposed of with the above terms. No costs.

06.10.2023

Internet : Yes

RR

To

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N.ANAND VENKATESH, J.

RR

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