



W.P. (MD).No.19901 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.19901 of 2021

G.K.Gunalakshmi

... Petitioner

Vs

The Competent Authority,
Southern Region,
Archaeological Survey of India,
Fort St.George, Chennai- 600 009.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to issue No Objection Certificate to the Petitioner to obtain Plan approval from the Corporation of Tiruchirappalli and for obtaining Bank Loan for construction of a house in the residential area adjacent to the temple land situated at Plot No.1, Shree Lakshmi Nagar Extension Thiruverumbur, Tiruchirappalli, based on the statutory notice issued on her behalf, dated 19.07.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr. Navaneethakumar.S.P

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



W.P. (MD).No.19901 of 2021

ORDER

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This Writ Petition has been filed for the issue of writ of mandamus, directing the respondents to issue No Objection Certificate to the petitioner, in order to enable the petitioner to obtain Plan approval from the Corporation of Tiruchirapalli for construction of house.

2.The respondent has filed a counter affidavit and the relevant portion is extracted hereunder:

“5.I humbly submit that, the Petitioner Smt.G.K.Gunalakshmi W/o. J. Radhakrishnan, D. No. 4/198, Ganasapuram, Thiruverumbur, Boiler Project Post, Trichy - 620 014 had applied for NOC to the Respondent for construction of residential building at S. F. No. 36/4B, Plot No.1, "Lakshmi Nagar Extension", Thiruverambur Village, Ariyamangalam Zone, Tiruchirappalli City Corporation. Vide their letter no. 17.05.2020 received by this office on 09.07.2020.

6. I submit that, the petitioner's application was forwarded to the Superintending Archaeologist, Archaeological Survey of India, Chennai Circle, Chennai for inspection and directed to submit the report. Accordingly the proposed site was inspected by the Surveyor on 24.01.2021 and submitted a report to this Respondent. The proposed site is a vacant land and falls within the prohibited area at a distance of 64.32mts from the protected area. The same was forwarded to the Member Secretary,



W.P. (MD).No.19901 of 2021

National Monuments Authority, New Delhi vide F. No. 1831/NMA/CA(IN/2020/433 dt: 19.02.2021.

7. I humbly submit that, the application of the petitioner for NOC was rejected by the Member Secretary, National Monuments Authority, New Delhi vide F. No. 2-8/1575/2020-NOC/NMA/ dated: 12.05.2021 received by this office on 07.06.2021 as the proposed site falls within the prohibited area. On the basis of the above mentioned recommendation the respondent issued the Form V (Refusal for construction) to the petitioner vide F No.1831/NMA/CA(TN)/2020/117 dt: 07.07.2021.

3.It is clear from the counter affidavit that the request made by the petitioner has already been rejected, since the proposed site falls within the prohibited area. In view of the same, the relief sought for by the petitioner cannot be granted by this Court.

4.Accordingly, this writ petition stands dismissed. No costs.

15.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



W.P. (MD).No.19901 of 2021

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W.P. (MD).No.19901 of 2021

N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.19901 of 2021**

15.11.2023