



WEB COPY



W.P. No. 32440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 32440 of 2023
and
W.M.P. No. 32056 of 2023**

R.Rathinam

... Petitioner

-VS-

1. Tiruppur Corporation,
Represented by its Commissioner,
Tiruppur.

2. P.Balasubramaniam

3. B.Mohaneeshwari

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to inspect the property of the Second and Third Respondents in terms of the representation dated 19.10.2023 issued by the Petitioner wherein they are carrying on construction work in contrary to the proceedings made in PA. No. 032/BPA/2023/00787 and the Plan Approval No. 032/BL/2023/00715 dated 09.06.2023 issued by the First Respondent and initiate further proceedings to stop work.



WEB COPY



W.P. No. 32440 of 2023

For Petitioner : Mr. G.Ethirajulu

For Respondents : Mr. Abishek Murthy,
Standing Counsel (for R1)

Not ready in notice (for R2 & R3)

ORDER

Heard Mr. G.Ethirajulu, Learned Counsel for the Petitioner and Mr. Abishek Murthy, Learned Standing Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second and Third Respondents, notice to them is dispensed with.

3. The Writ Petition has been filed for directing the First Respondent to inspect the property of the Second and Third Respondents in terms of the representation dated 19.10.2023 made by the Petitioner, wherein they are carrying on construction work in contravention of the Proceedings in PA.



W.P. No. 32440 of 2023

No. 032/BPA/2023/00787 and the Plan Approval No. 032/BL/2023/00715

dated 09.06.2023 issued by the First Respondent and initiate further proceedings to stop work.

4. The First Respondent has filed Status Report dated 10.01.2024 in which it has been stated as follows:-

“3. It submit that this Respondent have given the building approval to the Third and Fourth Respondents vide Order in 032/BL/2023/00715 dated 09.06.2023, under the Tiruppur Municipal Act 2008, Door No. 2/2, 8th Street, Thennamapalayam Extension, Tirupur City, Tirupur South Taluk (Check the address), permission was granted with conditions to put-up the additional/alteration/Renovate of the building as mentioned in the approved plan map.

4. I submit that this Respondent have conducted an inspection on 28.12.2023 and it is found that the Third Respondent have violated the conditions prescribed in the above said building approval, constructing the building with deviations against the approved plan, hence this Respondent have issued notice dated



W.P. No. 32440 of 2023

03.01.2024 under Sections 134, 135(1)(4) & (6) of Tamil Nadu

WEB COPY

Urban Local Bodies Act and marked the deviations as follows;

- a. *Instead of 1.64m for leaving the open space in front portion, only 0.50m space were left behind and in the south side open space instead of 1.83m they have left 0.35m space only which was against the conditions of building approval.*
- b. *Failed to leave 1.50m open space in setback area and in west side open space 1.50m was in the approved plan whereas they have left 0.50 space only.*
- c. *As per the approved plan, the construction of commercial purpose is in ground floor and first floor. Whereas, the private respondents constructing the commercial purpose in ground floor and residential purpose in first and second floor which was constructed additionally.*
- d. *As pr the approved plan, total area for construction was 6.28m x 7.38m whereas they have constructing 10.12m x 10.80m which was against the conditions prescribed in the approval.*



W.P. No. 32440 of 2023

5. *I submit that the Third and Fourth Respondents have been provided with 15 days to rectify the deviations in the construction from the date of receipt of the above said notice, failing which this Respondent will take action as per the provision of the above said Act.”*

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 26.03.2024

vjt

To

The Commissioner,
Tiruppur Corporation,
Tiruppur.



WEB COPY



W.P. No. 32440 of 2023

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 32440 of 2023

10.01.2024