



W.P(MD)No.15546 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.15546 of 2013
and
M.P(MD)Nos.2 & 3 of 2013**

1.K.V.K.R.Janarthana Rao
2.K.J.Bharathi

... Petitioners

vs.

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Execution Officer/Joint Commissioner,
Arulmigu Renganatha Swamy Thirukovil,
Srirangam, Trichy – 620 006.

3.D.Santhirajan
4.G.Sadagopan
5.R.Srinivasan
6.A.Aravamudan
7.R.Santhana Gopalan
8.R.Rengarajan
9.R.Vasu
10.G.Rengarajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in

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Na.Ka.No.F1/2013 dated 16.08.2013 on the file of the first respondent and quash the same and further directing the first respondent to consider the petitioner's plan submitted on 21.08.2013 for the construction of the petitioner's building in Door No.168, West Chitrai Street, Srirangam, Trichy, without insisting No Objection Certificate from the second respondent.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent No.1	: Mr.M.Kishore Ram M/s.R.B.Associaties
For Respondent No.2	: Mr.M.Saravanan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in the Writ Petition is to quash the impugned order dated 16.08.2013 on the file of the first respondent and to direct the first respondent to consider the petitioner's plan submitted on 21.08.2013 for the construction of a building in Door No.168, West Chitrai Street, Srirangam, Trichy, without insisting for No Objection Certificate from the second respondent.



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2. According to the petitioner, the first respondent has no jurisdiction to invoke the power under Section 56(2A) of the Town and Country Planning Act in pursuant to the provisional order issued under Section 296(1) & (2) and 282(1) & (2) of the Trichy Corporation Act, 1994. Further, according to the petitioner, there are atleast 43 buildings constructed in the past three years without any such No Objection Certificate's and their plans are pending approval similar to the case of the petitioner. However, the first respondent has not initiated any drastic measures of sealing any other building and that the petitioner is singled out and discriminated at the instigation of vested interest in the administration of the Temple.

3. Considering the facts and circumstances of the case, we are not inclined to accept the prayer as sought for by the petitioner, which is impermissible under law. Accordingly, the Writ Petition is dismissed. However, we make it clear that if there is any violation as stated by the petitioner that 43 buildings are constructed in the past three years without any such No Objection Certificate, it is for the authority concerned to initiate appropriate action against those persons in accordance with law and the similar treatment also given to the similarly placed persons to take



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necessary action for removal of the same in violation of the said building in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Commissioner,
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- 2.The Execution Officer/Joint Commissioner,
Arulmigu Renganatha Swamy Thirukovil,
Srirangam, Trichy – 620 006.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 12.02.2024