



W.P(MD)No.1298 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

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

W.P(MD)No.1298 of 2022

S.Raja @ Urayiur Raja

... Petitioner

VS.

1.The Commissioner,
Thiruchirappalli Corporation,
Trichy.

2.The Assistant Commissioner,
K.Abishekapuram Zonal,
Thiruchirappalli Corporation,
Puthur,
Trichy – 17.

3.Kannan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action against the illegal and unauthorized construction made by the third respondent at No.1, Taakkar Road, Woraiyur, Trichy, within the time frame fixed by this Court.



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For Petitioner

: Mr.T.Vadivelan

For Respondent Nos.1 & 2

: Mr.R.Baskaran

Standing Counsel

for M/s.R.B.Law Associates

ORDER

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

Prayer in this Writ Petition is to direct the respondents 1 and 2 to take necessary action against the illegal and unauthorized construction made by the third respondent at No.1, Taakkar Road, Woraiyur, Trichy, within the time frame fixed by this Court.

2.According to the petitioner, the third respondent obtained building plan approval and permission from the first respondent. However, violating the condition imposed in the building plan approval, the third respondent constructed multi shop complex without any parking area. The third respondent constructed the abovesaid complex by violating the condition imposed in the building plan approval. In this regard, the petitioner sent a representation, dated 06.07.2020 to the respondents 1 and 2. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.



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3. When the matter was taken up for hearing today, the learned Standing Counsel appearing for the respondents 1 and 2 would submit that lock and seal notice was issued to the third respondent under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 and third respondent has obtained building plan approval for construction of the building in question from the authority concerned, but there is a deviation in the aforesaid construction of the building in question and the authority concerned will take necessary action for removal of the said deviation in the building in question, within the time stipulated by this Court.

4. Taking into consideration the facts and circumstances of the case, we direct the first respondent to take necessary action for removal of the deviated portion of the building in question, in accordance with law, after affording due opportunity to the parties concerned. The said exercise shall be completed within twelve weeks from the date of receipt of a copy of this order.



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5.With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
18.03.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Commissioner,
Thiruchirappalli Corporation,
Trichy.
- 2.The Assistant Commissioner,
K.Abishekapuram Zonal,
Thiruchirappalli Corporation,
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and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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